

MOORE COUNTY PLANNING BOARD
THURSDAY, December 6, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of November 1, 2018
- C. Consideration of Abstentions

III. PUBLIC HEARINGS

1. **General Use Rezoning Request: Rural Agricultural (RA) to Neighborhood Business (B-1)– Darya Cowick**
Stewart McFadyen is requesting a General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Road, adjacent to the intersection of Lobelia Road and J Burns Road, owned by Stewart McFadyen, per Deed Book 2017 E Page 712 and recorded in Plat Cabinet 17, Slide 900.
2. **General Use Rezoning Request: Gated Community Seven Lakes (GCSL) to Rural Agricultural Urban Service Boundary (RA-USB)-Darya Cowick**
Jamie Cagle is requesting a General Use Rezoning from Gated Community Seven Lakes (GCSL) to Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Road, West End owned by Jamie Cagle, per Deed Book 1515 Page 210 and Deed Book 2334 Page 318.
3. **General Use Rezoning Request: Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2)-Darya Cowick**
Planning staff is requesting a General Use Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2) of an approximate 5.844 acres parcel, located at 126 Old West End School Lane, West End, owned by the County of Moore, per Deed Book 428 Page 480.
4. **General Use Rezoning Request: Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40)-Theresa Thompson**
Heidi Thompson is requesting a General Use Rezoning from Mobile Home District to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Road and at 7383 Beulah Hill Church Road, being approximately 1.58 and 1.38 acres, owned by Code Plus Construction per Deed Book 4990, Page 509 and Plat Cabinet 17, Slide 913.

5. Unified Development Ordinance Text Amendments-Theresa Thompson

6. Unified Development Ordinance Text Amendments-Theresa Thompson

IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger

V. BOARD COMMENT PERIOD - Chairman Nobles

VII. UPCOMING EVENTS

- **Thursday, January 3, 2019 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, January 8, 2019 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, January 22, 2019 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

VIII ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

Please see attached procedures for the Public Comment Period and public comment during Public Hearing

PUBLIC COMMENT PROCEDURES MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, November 1, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eddie Nobles (Chair), Joe Garrison (Vice Chair), Harry Huberth, Jeffrey Gilbert, John Matthews, Bobby Hyman, John Cook, Matthew Bradley

Board Members Absent: David Lambert

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Planning Supervisor
Darya Cowick, Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

Chair Eddie Nobles called the meeting to order at 6:00 pm.

INVOCATION

Board Member Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Jeffrey Gilbert led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Bobby Hyman read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of October 4, 2018
- C. Consideration of Abstentions

Board Member Joe Garrison made a motion to approve the consent agenda. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously (8-0).

PUBLIC HEARING

Public Hearing #1 –Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

- Amend Chapter 6 (Table of Uses), Section 6.1 (Table of Uses)
- Amend Chapter 8 (Specific-Use Standards), Section 8.52 (Adult Gaming Establishments)
- Amend Chapter 8 (Specific-Use Standards), Section 8.85 (Indoor Recreation)
- Amend Chapter 8 (Specific-Use Standards), Section 8.111 (Manufactured Home of Recreational Vehicle, Temporary Use)

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Harry Huberth made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member John Cook; the motion passed unanimously 8-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 8-0.

PLANNING DEPARTMENT REPORTS

Planning Director Debra Ensminger provided the Board with an update regarding the following items.

- On October 31, 2018, Moore County Board of Commissioners held a work session and directed Planning staff to establish a text amendment regarding major subdivisions requiring a conditional use permit. The text amendment will go before the Board of Commissioners the second meeting in January 2019. If approved by the Board of Commissioner all major subdivision request would go before the Board of Commissioners for approval instead of the Planning Board. The Planning Board would continue act as an advisory board for rezoning's, text amendments and watershed review board.
- On November 6, 2018 the Moore County Comprehensive Transportation Plan will be presented to the Moore County Board of Commissioners for adoption as well as the reaffirmation of the Moore County Land Use Plan. It is recommended

to update the Land Use Plan every five (5) years and staff will be working towards updating the plan in the near future.

BOARD COMMENT PERIOD

Mr. Gilbert inquired if staff was going consider adjoining jurisdictions when it comes to future growth areas while updating the Land Use Plan.

Ms. Ensminger explained staff would be reaching out to all jurisdictions to work together identifying future growth areas.

ADJOURNMENT

With no further comments Board Member Jeffrey Gilbert made a motion to adjourn the November 1, 2018 regular meeting. The motion was seconded by Board Member Joe Garrison and the motion passed unanimously 8-0.

Respectfully submitted by,

Stephanie Cormack

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Enslinger
Planning & Transportation Director

DATE: November 6, 2018

SUBJECT: General Use Rezoning Request: Rural Agricultural (RA) to
Neighborhood Business (B-1)

PRESENTER: Darya Cowick

REQUEST

Stewart McFadyen is requesting a General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Road, adjacent to the intersection of Lobelia Road and J Burns Road, owned by Stewart McFadyen, per Deed Book 2017 E Page 712 and recorded in Plat Cabinet 17, Slide 900.

This case was properly advertised, public hearing sign posted on the property, and all adjacent property owners were notified.

BACKGROUND

The property is currently undeveloped. Adjacent properties include a real estate office, a gas station, single family dwellings, and agricultural land. 1.3 acres of the property is already zoned Neighborhood Business (B1).

ZONING DISTRICT COMPATIBILITY

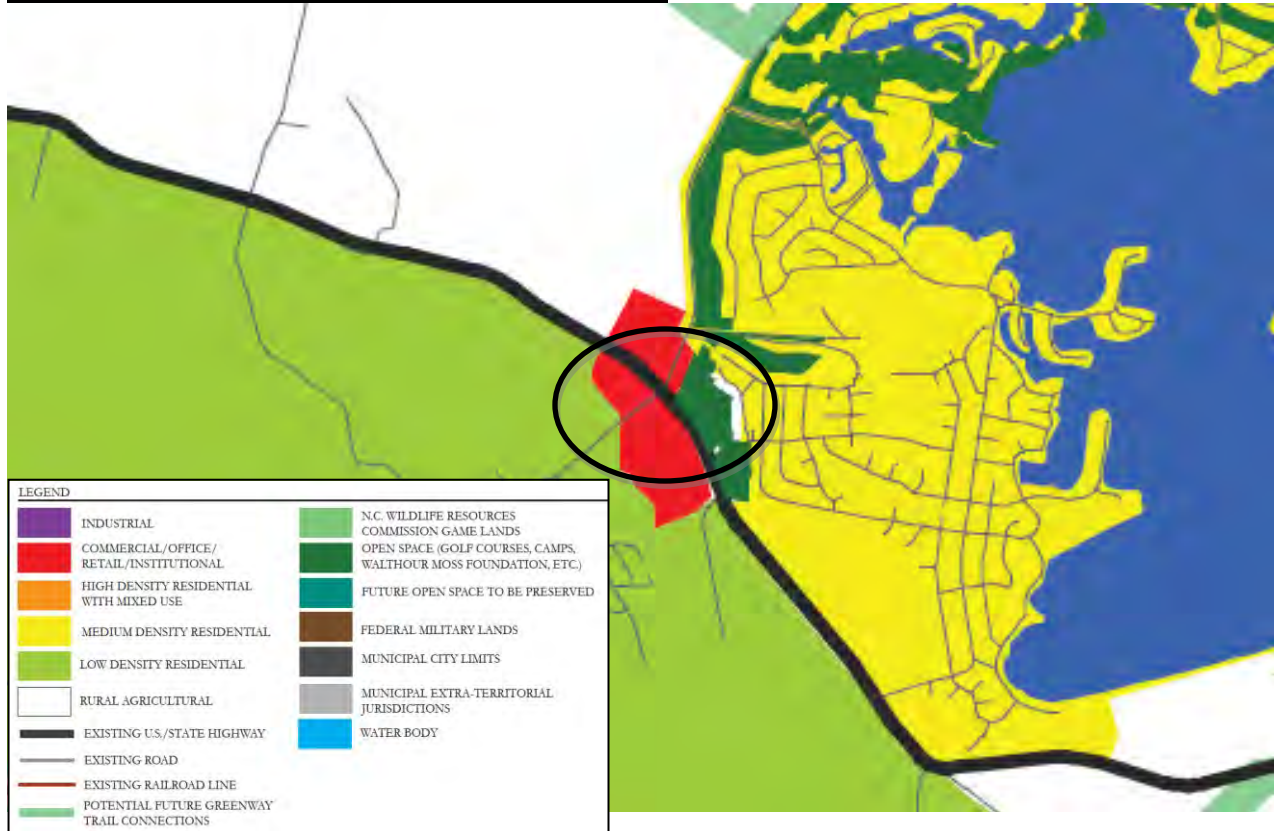
The requested rezoning to Neighborhood Business (B-1) is consistent with the adjacent land uses in the area, including commercial and single family residential. The surrounding area is zoned a mixture of Rural Agricultural (RA), Neighborhood Business (B-1), Rural Agricultural Urban Service Boundary (RA-USB), Gated Community Woodlake (GC-WL).

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The site has a Commercial/Office/Retail/Institutional Land Use Classification. The requested zoning to Neighborhood Business (B-1) is compatible with the Commercial/Office/Retail/Institutional Land Use Classification which primary use is intended for shopping/retail uses, dining, entertainment, services, general office space, medical offices, banks, schools, daycares, places of worship, libraries, etc. The Moore County Development Ordinance states the Neighborhood Commercial district (B-1) is created to provide for the development of commercial and service uses that serve community's commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working, and shopping areas and Recommendation 1.7: Support and promote local businesses

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements (Approval or Denial) and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend **approval** or **denial** to the Moore County Board of Commissioners of the General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Road, adjacent to the intersection of Lobelia Road and J Burns Road.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map, Land Use Map, Rezoning Map
- Rezoning Application
- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – **Approval**

- Planning Board Consistency Statement – **Denial**
- Deed Book 2017E, Page 712
- Plat Cabinet 17, Slide 900.

View of subject property from Lobelia Road (Hwy 690)



View of subject property from J Burns Road



Adjacent property – 2511 Lobelia Road – Gas station



Adjacent property – 2480 Lobelia Road - Lake Resort Properties





View of the intersection of J Burn Road and Lobelia Road (Hwy 690)



Adjacent Property – 2560 Lobelia Road



Vicinity Map

-  Rural Highway COD (500' from ROW line on each side)
-  Urban Transition COD (400' from ROW line on each side)

CARTHAGE

CAMERON

211

VASS

WHISPERING PINES

PINEHURST

SOUTHERN PINES



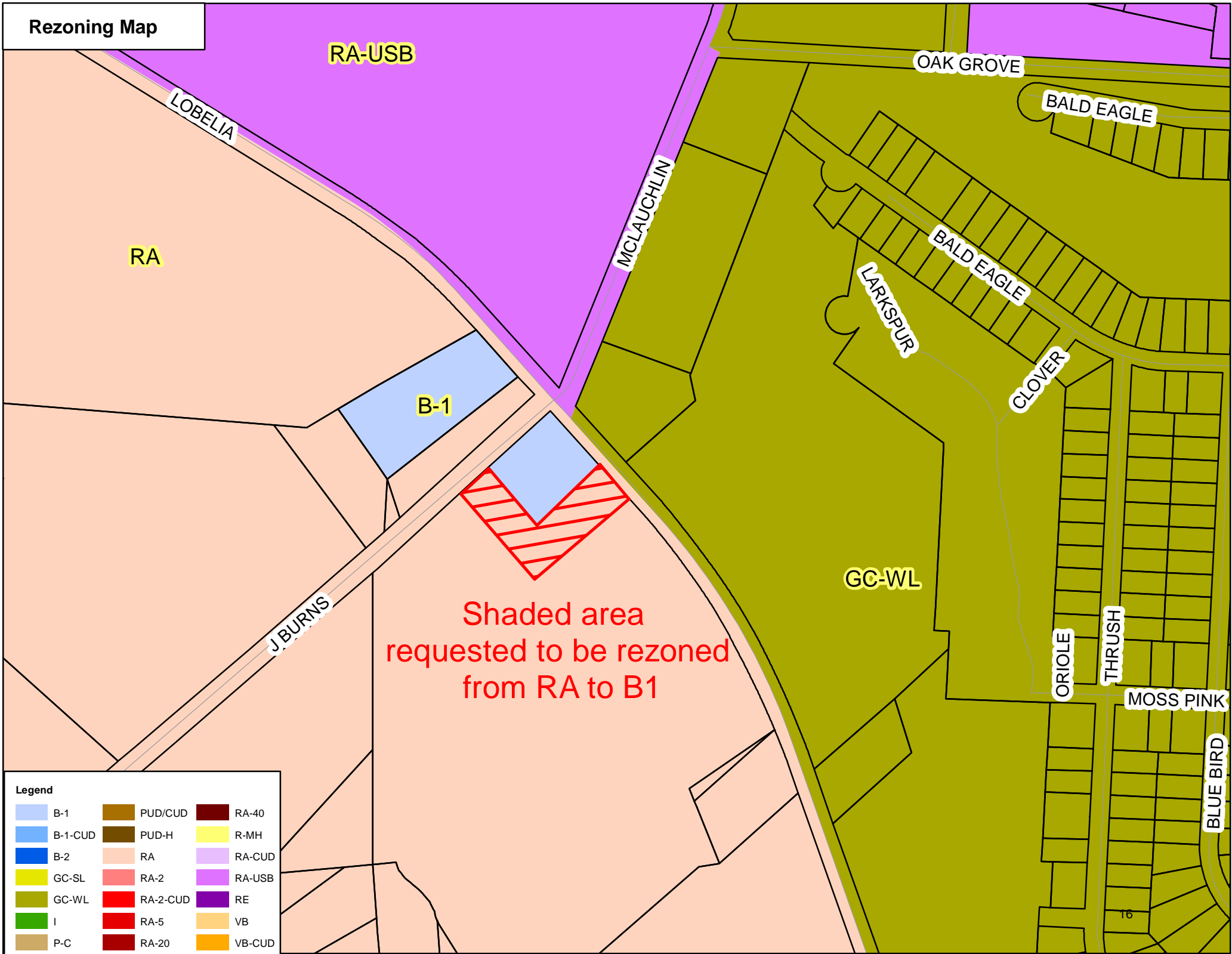
0 1.25 2.5 5 Miles



Land Use Map



Rezoning Map



County of Moore Planning and Transportation



Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Transportation: (910) 947-3389

GENERAL USE REZONING APPLICATION

APP# 23692

Application Date: 10-22-2018		00043822	
Location/Address of Property: 2510 Lobelia Road, Vass, NC 28394			
Applicant: Stewart M. McFadyen		Phone: 910-783-8849	
Applicant Address: 2596 Lobelia Rd.	City: Vass	St: NC	Zip: 28394
Owner: Stewart M. McFadyen		Phone: 910-783-8849	
Owner Address: 2596 Lobelia Rd.	City: Vass	St: NC	Zip: 28394
Current Zoning District: RA + B-1		Proposed Zoning District: B-1	
Comments: Increase B-1 zoning from 1.30 acres to 3.06 acres, 2.58 net acreage			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
Stewart M. McFadyen Applicant/Owner Signature		10/22/18 Date	
Pat McFadyen Applicant/Owner Signature		10/22/18 Date	
Office Use Only:			
PAR ID: 00043822			
PD Received By		10/22/18 Date	



MOORE COUNTY REZONING REQUEST

Stewart McFayden Property Location: 2510 Lobelia Road (adjacent to the intersection of Lobelia and J Burns Roads)

Request: Rezone from Rural Agricultural (RA) to Neighborhood Business (B-1)

PIN: 9503300574536

November 20, 2018

Following a review of the rezoning request by the RLUAC staff and Board of Directors for the property listed above, and recognizing that our findings are non-binding on Moore County, the RLUAC Board of Directors finds that:

- The case involves a parcel that is identified as neither Critically Important nor Important to conserve on the new 2018 Joint Land Use Study maps, however
- It falls within a military aircraft fly 500' limit zone.

Although RLUAC has no issues or concerns with this rezoning request, it encourages the petitioner to refrain from making any potential future requests for a telecom tower on this property. Such a tower could pose a possible safety threat to military pilots and aircraft.

Thank you for allowing RLUAC to review this case.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Rural Agricultural (RA) to Neighborhood Business (B-1)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

3. The rezoning request is reasonable and in the public interest considering the property is located adjacent to the Woodlake residential community, is in close proximity to the Town of Vass, and has availability of public water.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Road, adjacent to the intersection of Lobelia Road and J Burns Road.

Eddie Nobles, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Rural Agricultural (RA) to Neighborhood Business (B-1)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7 Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Road, adjacent to the intersection of Lobelia Road and J Burns Road.

Eddie Nobles, Chair
Moore County Planning Board

Date

STATE OF NORTH CAROLINA

COUNTY OF MOORE

**WILL OF
NEILL DOUGALD MCFADYEN**

I, **NEILL DOUGALD MCFADYEN**, of Moore County, North Carolina, declare this to be my Will and revoke all earlier Wills and Codicils.

**ARTICLE I
DISTRIBUTION OF ESTATE**

A. Reference to Memorandum. Some of my tangible personal property has sentimental value, and I have made a memorandum, written in my handwriting and signed by me which will be found with this will, setting forth the articles of tangible personal property that I desire to be disposed of to the persons listed thereof. If for any reason said memorandum is not found with this will and properly identified as such by my Personal Representative, then it shall be conclusively presumed that no such memorandum exists.

B. Gift of Tangible Personal Property. Unless disposed of under the foregoing paragraph A, all my tangible personal property which, in the opinion of my Personal Representative, was not held by me solely for investment purposes, including, but not limited to, my automobiles, household furniture and furnishings, clothing, jewelry, collectibles and personal effects I give such property to my wife, **MARY B. MCFADYEN**, if she survives me. If my wife does not survive me then such property shall be divided equally among my children, **STEWART M. MCFADYEN** and **JANE M. MCINNIS**, if they survive me. In the event any of my children do not survive me then their respective share shall be distributed to their issue per stirpes.

C. Gift of Real Property. In the event my wife, **MARY B. MCFADYEN**, does not survive me, I make the following gifts of real property:

1. I give my son, **STEWART M. MCFADYEN**, if he survives me, that parcel known as the home place consisting of 23.972 deeded acres, as shown in Deed Book 83, Page 335 in the Hoke County Public Registry, having a Moore County LRK# 43822, PIN 953302575601. In the event my son does not survive me, then this parcel shall be distributed to his issue per stripes.

2. I give to my daughter, **JANE M. MCINNIS**, if she survives me, the 135 acre parcel known as the "Baker Place, as shown in Deed Book 83, Page 282, in the Hoke County Public Registry, having a Moore County LRK# 43820, PIN 953403140862. In the event my daughter does not survive me, then it shall be distributed to her issue per stripes.

D. Gift of Residuary Estate. My residuary estate, being all my real and personal property, wherever located, not otherwise effectively disposed of, but excluding any property over which I may have a power of appointment, I give to my wife, **MARY B. MCFADYEN**, if she survives me. If my wife does not survive me then I give my residuary estate in equal shares to my

children, **STEWART M. MCFADYEN** and **JANE M. MCINNIS**, if they survive me. In the event either of my children do not survive me then such deceased child's respective share shall be distributed to their issue per stirpes.

E. Expenses of Delivery. The cost of safeguarding, insuring, packing, storing, and delivering my tangible personal property to any beneficiary under this Article I shall be the responsibility of the recipient beneficiary.

F. Property Insurance Policies. All of my insurance policies which provide indemnity for the loss of any of my personal or real property by fire, windstorm, or other casualty (including any claim for such loss of any such property which I might have at the time of my death against any insurance company) I give respectively to those persons or corporations, as the case may be, who shall become or would become owners of such properties by reason of my death; whether such ownership be acquired under the provisions of this will, by survivorship or by other means.

ARTICLE II

TRUST FOR BENEFICIARY UNDER AGE TWENTY-ONE OR INCAPACITATED

If a share of my residuary estate is given outright to a beneficiary who has not reached the age of twenty-one or who is incapacitated (as defined hereafter) at the time of my death, such share shall not be distributed to the beneficiary but, instead, I give such share to the trustee named below to be held in trust for the beneficiary, together with any property payable to the Trustee as a result of my death for the benefit of the beneficiary, and disposed of as follows:

A. Distribution Until Beneficiary Reaches Age Twenty-one (21) and is Competent. Until the beneficiary reaches the age of twenty-one (21) and is competent:

1. The Trustee may distribute all or any portion of the net income and principal of the trust to the beneficiary in such amounts and at such times as the Trustee, in its discretion may determine.

2. As a guide to the Trustee and without limiting its discretion, it is my desire that such discretion be exercised for such purpose as the Trustee shall deem reasonable and appropriate for the welfare (such as medical needs) and education of the beneficiary. The Trustee may take into consideration other financial resources of the beneficiary but it is not required to do so.

B. Distribution When Beneficiary Reaches Age Twenty-one (21) and is Competent. When the beneficiary reaches the age of twenty-one (21) and is competent, the Trustee shall distribute the then remaining principal and undistributed income of the trust to the beneficiary. If the beneficiary dies before reaching such age or before becoming competent, then upon the death of the beneficiary, the Trustee shall distribute the then remaining principal and undistributed income to the estate of the beneficiary.

ARTICLE III

PAYMENT OF DEBTS, EXPENSES AND DEATH TAXES

A. Payment of Debts and Expenses. All my debts, health care expenses, funeral or cremation expenses, and the administration expenses of my estate, shall be paid out of my residuary estate.

B. Payment of Death Taxes. All death taxes shall be paid out of my residuary estate as an administration expense and shall not be charged against or recovered from any recipient or beneficiary of the property taxed.

ARTICLE IV PERSONAL REPRESENTATIVE

A. Appointment of Personal Representative. I appoint my wife, **MARY B. MCFADYEN**, to be my Personal Representative. If my wife does not wish to serve or wishes to have assistance in so serving, I hereby grant her the power to appoint a successor of her choice of one or more Co-Personal Representatives. If my wife should predecease me, or is unwilling or unable to serve, and does not appoint a successor, I appoint my son, **STEWART M. MCFADYEN**, to be my Personal Representative. If my son does not wish to serve or wishes to have assistance in so serving, I hereby grant him the power to appoint a successor of his choice of one or more Co-Personal Representatives. If he should predecease me, or is unwilling or unable to serve, I appoint my daughter, **JANE M. MCINNIS**, to be my Personal Representative. If my daughter does not wish to serve or wishes to have assistance in so serving, I hereby grant her the power to appoint a successor of her choice of one or more Co-Personal Representatives. If it becomes necessary for a representative of my estate to qualify in any jurisdiction other than the State of North Carolina in which my Personal Representative(s) shall be unable or unwilling to qualify as Personal Representative(s), then my Personal Representative(s) shall have the right to appoint an individual or corporate representative of my estate in such jurisdiction.

B. Appointment of Trustees. I appoint my son, **STEWART M. MCFADYEN**, to be Trustee of any trust created under this will. If he should predecease me or is unwilling or unable to serve, and does not appoint a successor, I appoint my daughter, **JANE M. MCINNIS**, to be Trustee of any trust created under this will. The Trustee shall have the right to resign without court order at any time in writing signed by the Trustee, such resignation to be effective upon the acceptance of the trusteeship by a successor Trustee. The Trustee shall also have the right to appoint without court order a successor individual or corporate Trustee in a writing signed by the Trustee which states the event or events upon which the successor Trustee shall act.

C. Waiver of Bond and Court Supervision. No bond or other security shall be required from any Fiduciary. Any Fiduciary may act without qualifying before any court or filing with any court any inventory, accounting or other report relating to the administration of my estate unless otherwise required by law to do so.

D. Compensation of Personal Representative. A corporate Fiduciary may receive compensation for its services in accordance with its published schedule of fees in effect at the time the services under this will are rendered. An individual Fiduciary may receive that compensation for such Fiduciary's services which is allowed by law at the time the services under this will or any Trust established under this will are rendered.

ARTICLE V ADMINISTRATIVE POWERS

In addition to the powers conferred by law or elsewhere in this will, I grant to my Personal Representative with respect to the property in my estate, regardless of whether title to any real property passing under this will is vested in my Personal Representative, the discretionary powers set forth below to be exercised without court order for any purpose that my Personal Representative may deem advisable:

A. Powers Incorporated by Reference. Subject to North Carolina General Statutes Section 32-26, all the powers set forth in North Carolina General Statutes Section 32-27, except those in Section 32-27 (29), as they exist at the time that I sign this will, and such powers are incorporated by reference with the same effect as though set forth verbatim in it;

B. Credits or Charges to Income and Principal. The power (i) to determine the manner in which items should be credited or charged to or between income and principal, regardless of whether any item is credited or charged to the provisions of any statute, and (ii) to charge or not charge against income a reasonable allowance for depreciation of property whether contrary to the provisions of any statute; and

C. Distribution to or for the Benefit of Beneficiaries. Whenever authorized or directed to distribute property to a beneficiary, whether or not under a legal disability, the power to distribute such property, unless otherwise directed, (i) directly to such beneficiary, including the transfer of property into such beneficiary's name as by depositing cash or registering securities in his or her name, (ii) to the custodian of such beneficiary under a uniform gifts or transfers to minors act, (iii) to the legal or natural guardian of the person or property of such beneficiary, or (iv) to any other person, firm or institution for the benefit of such beneficiary, and the receipt of any of the foregoing shall constitute a full acquittance of my Personal Representative to the extent of the distribution so made.

These powers are likewise hereby conferred upon any Trustee acting under any trust established pursuant to Article II hereof.

ARTICLE VI PRESUMPTION OF SURVIVORSHIP

If any beneficiary under this will and I should die under such circumstances that there is uncertainty as to which person predeceased the other, it shall be conclusively presumed for the purpose of this will that such beneficiary predeceased me. However, it shall conclusively be that my wife survived me.

ARTICLE VII DEFINITIONS

For the purposes of this will,

A. "Personal Representative," and "Trustee," and "Fiduciary." The term "Personal Representative" or "Personal Representatives" includes any personal representative or representatives of my estate acting under this will such as a successor Personal Representative or Personal Representatives and any Administrator with the will annexed. The term "Trustee" or "Trustees" includes any Trustee or Trustees acting under a trust to which property passes pursuant to this will, and the term "Fiduciary" or "Fiduciaries" includes both a Personal Representative and a Trustee.

B. "Per Stirpes." Whenever a distribution is to be made to a designated ancestor's issue who are living at the designated time and such distribution is to be made "per stirpes," such distribution shall be made by first determining the generation nearest to such ancestor which has a person who represents that generation and who is living at the designated time. The property shall be distributed and shall be divided into as many equal shares as may be necessary to allocate one share to each then living person of that generation and one share to each deceased person of

that generation that left issue who are then living. Each living person of that generation shall receive one share, and the share of each deceased person of that generation shall be divided among his or her then living issue in the same manner.

C. "Death Taxes" The term "death taxes" means inheritance, estate, supplemental estate, generation-skipping, transfer and succession taxes, and any interest and penalties on these taxes, imposed by reason of my death by any jurisdiction with respect to property passing under or in my estate for the purpose of determining such tax, including, but not limited to, any tax on property includable under Section 2041 (relating to powers of appointment), Section 2042 (relating to life insurance proceeds) of the Internal Revenue Code of 1986, as amended, or any comparable provision of state law, but excluding, however, any tax imposed by Section 2032A(c) (relating to qualified real property) or Chapter 13 (relating to generation-skipping transfers) of Code, or any comparable provision of state law, for which my estate is not liable.

D. "Incapacitated" or "Not Competent." An individual shall be deemed "incapacitated" or "not competent" under any one or more of the following circumstances: (i) during any period that the individual is legally incompetent as determined by a court of competent jurisdiction; (ii) during any period beginning when two physicians licensed to practice medicine certify in writing that, in their opinion, the individual, as a result of illness, age or other cause, no longer has the capacity to act prudently or effectively in financial affairs and continuing until two such physicians (whether or not those making the initial determination) certify in writing that, in their opinion the individual's capacity is restored; or (iii) during any period that a person (other than such individual) or an institution who is a Trustee, or, if none, who is designated as successor Trustee, or, if none, who can appoint a successor Trustee, has evidence that the individual is absent without explanation or is being detained against his will under circumstances in which he does not have the capacity to act prudently or effectively in financial affairs. Any such determination, if made in good faith, shall be binding and conclusive upon all interested persons, including me and the Personal Representative of my estate, and shall relieve my Trustee of any and all liabilities resulting from its reliance on such determination.

I, **NEILL DOUGALD MCFADYEN**, the Testator, sign my name to this instrument this 13 day of AUGUST, 2009, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly (or willingly direct another to sign it for me), that I execute it as my free and voluntary act for the purpose therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Neill Dougald McFadyen
NEILL DOUGALD MCFADYEN

We, PAMELA S. FAIRCLOTH, and J. HUNTER STOUALL, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his last will and that he signs it willingly and that each of us, in the presence and hearing of the Testator, hereby signs this will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Pamela S. Faircloth
Witness

Pinehurst, NC
Address

J. Hunter Stouall
Witness

West End, NC
Address

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

Subscribed, sworn to and acknowledged before me by NEILL DOUGALD MCFADYEN, Testator, and subscribed and sworn to before me by PAMELA S. FAIRCLOTH and J. HUNTER STOUALL, the witnesses, this 13th day of AUGUST, 2009.

KIMBERLI C. MANESS
Notary Public
Moore County, NC

Kimberli C. Maness
Official Signature of Notary

Kimberli C. Maness
Notary Public Printed Name

My Commission Expires: 1-23-2013

NOTE:
-3604.90 FT (0.08 ACRE) UTILITY EASEMENT.
-CAROLINA TELEPHONE AND TELEGRAPH COMPANY
-REFERENCE: DEED BOOK 964, PAGE 489, MOORE COUNTY REGISTRY

FOR REGISTRATION REGISTER OF DEEDS
Jude County, NC
October 18, 2018 12:35:28 PM
Book 17 Page 900-900
FEE: \$21.15
INSTRUMENT # 2018015099

LINE	BEARING	DISTANCE
T1	N 87°35'28" E	52.71'
T2	N 55°58'39" W	99.41'

LINE	BEARING	DISTANCE
E1	N 52°48'45" E	60.04'
E2	S 37°12'13" E	60.03'
E3	S 52°48'45" W	60.04'
E4	N 37°12'13" W	60.03'

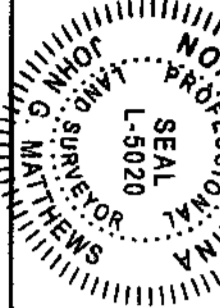
PLAT CABINET 17 SLIDE 900

REFERENCE:
DEED BOOK 460, PAGE 160
DEED BOOK 964, PAGE 489
PLAT CABINET 7, SLIDE 941
MOORE COUNTY REGISTRY
RATIO OF PRECISION = 1:3,000+
ACREAGE DETERMINED BY
COORDINATE METHOD
UNLESS OTHERWISE DENOTED:
EIS = EXISTING IRON STAKE
EIP = EXISTING IRON PIPE
ECM = EXISTING CONCRETE MONUMENT
ERBS = EXISTING RAILROAD SPIKE
NIP = NEW IRON PIPE
NIS = NEW IRON STAKE
NM = NEW MAG NAIL
EPK = EXISTING PK NAIL
CP = CALCULATED POINT
#AG = (#) INCHES ABOVE GRADE
#BG = (#) INCHES BELOW GRADE
FL = FLUSH WITH GRADE
CL = CENTERLINE
EOP = EDGE OF PAVEMENT
RW = RIGHT-OF-WAY
W = WATER VALVE
X = FIRE HYDRANT
U = UTILITY POLE
PARCEL ID: 00043622
ZONING: RA & B-1
PUBLIC SUPPLY WATERSHED: WSH-BW

OWNERS ADDRESS:
STEWART M. MCFADYEN
2960 LOBELIA ROAD
VASS, NC 28394
PROPERTY ADDRESS:
2960 LOBELIA ROAD
VASS, NC 28394

I, JOHN G. MATTHEWS, CERTIFY THAT THIS SURVEY IS OF ANOTHER
CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A
CONVEYED SURVEY, OR OTHER EXEMPTION OR EXEMPTION TO THE
DEFINITION OF SUBDIVISION.
I, JOHN G. MATTHEWS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED
DESCRIPTION RECORDED IN (SEE REFERENCE TABLE). THAT THE BOUNDARIES
NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION
FROM (SEE REFERENCE TABLE). THAT THE RATIO OF PRECISION ON
POSITION (SEE REFERENCE TABLE) IS THE RATIO OF PRECISION ON
POSITION (SEE REFERENCE TABLE). THAT THIS PLAT WAS PREPARED IN
ACCORDANCE WITH G.S. 47-30.13 AMENDED, WHICH WAS IN EFFECT
OCTOBER 1, D. 2018.

PROFESSIONAL LAND SURVEYOR, L-5020

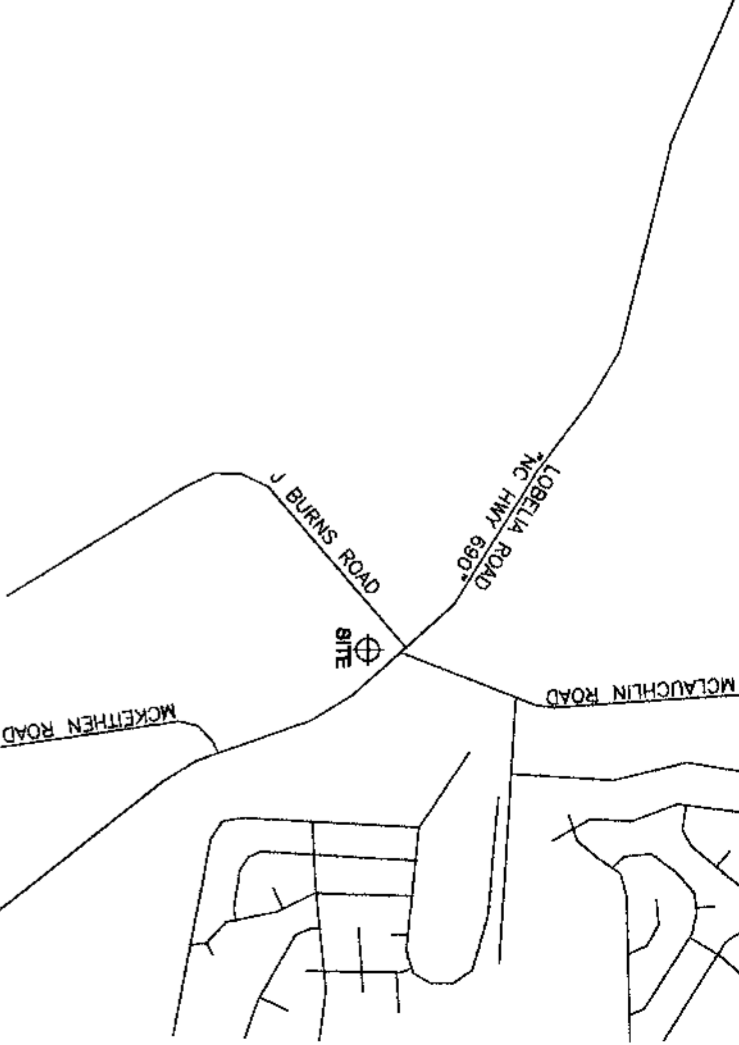


MATTHEWS

LAND SURVEYING & MAPPING
FIRM LICENSE: P-1543 REG
JOHN G. MATTHEWS, P.L.S., L-5020
710 MONROE STREET, SUITE 104
CAROLINA, NC 28027
810-941-5871

NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED - DEVELOPMENT
RESTRICTIONS MAY APPLY
NOTICE: THIS PROPERTY IS LOCATED NEAR AN AREA THAT IS PRESENTLY USED FOR AGRICULTURAL
PURPOSES. NORMAL AGRICULTURAL OPERATIONS MAY CONFLICT WITH RESIDENTIAL LAND USE. NC
GENERAL STATUTES SECTION 106-701 PROVIDES SOME PROTECTION FOR EXISTING
AGRICULTURAL OPERATIONS AGAINST NUISANCE LAWS

LOCATION SKETCH



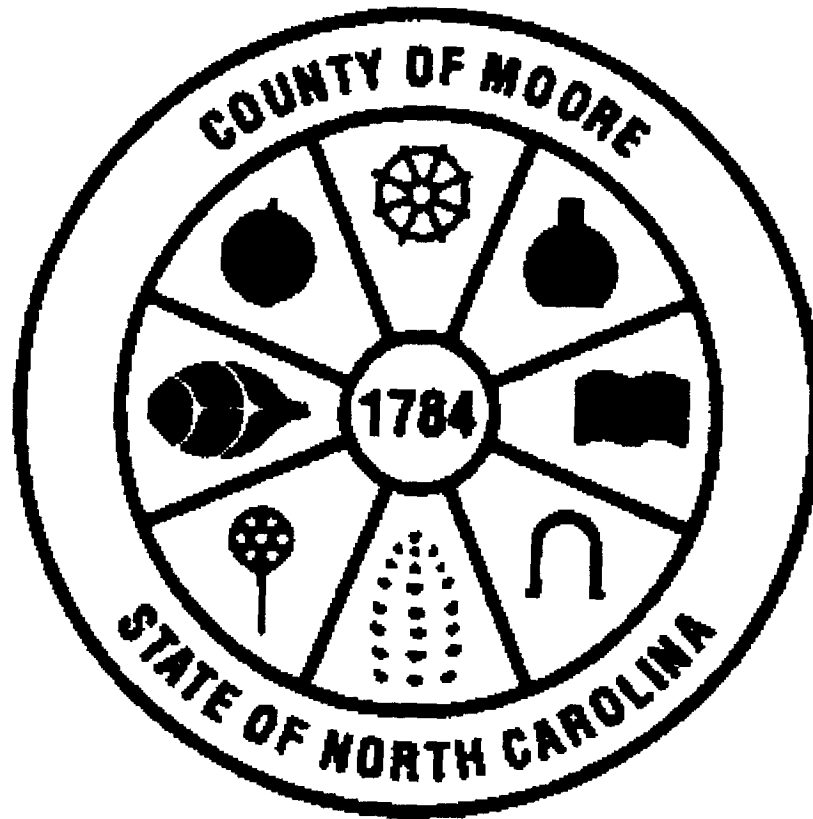
PUBLIC WATER SUPPLY WATERSHED PROTECTION CERTIFICATE
I, John G. Matthews, CERTIFY THAT THE PLAT SHOWN HEREON
COMPLIES WITH THE MOORE COUNTY WATERSHED PROTECTION AND IS APPROVED BY
MYSELF, AS AGENT FOR THE WATERSHED REVIEW BOARD FOR RECORDING IN THE MOORE
COUNTY REGISTER OF DEEDS OFFICE
John G. Matthews
WATERSHED ADMINISTRATOR
DATE 10/18/18

CERTIFICATE OF EXEMPTION
I, Stewart M. McFadyen, HEREBY CERTIFY THAT THE DIVISION OF
PROPERTY SHOWN AND DESCRIBED HEREON IS EXEMPT FROM THE MOORE COUNTY
SUBDIVISION ORDINANCE BY DEFINITION AND/OR ORDINANCE
Stewart M. McFadyen
SUBDIVISION ADMINISTRATOR
DATE 10/18/18
NCGS 153A-335 REVIEW ONLY STATEMENT
APPROVAL OF THIS EXEMPT SUBDIVISION PLAT CONSTITUTES COMPLIANCE WITH NORTH
CAROLINA GENERAL STATUTE 153A-335 ONLY. SUBDIVISIONS NOT EXEMPT FROM THE
SUBDIVISION ORDINANCE SHALL BE SUBJECT TO ALL APPLICABLE
FEDERAL, STATE AND LOCAL LAWS, STATUTES, ORDINANCES AND/OR CODES.

STATE OF NORTH CAROLINA
COUNTY OF MOORE
I, Stewart M. McFadyen, REVIEW OFFICER OF MOORE COUNTY, NORTH
CAROLINA, CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS
ALL STATUTORY REQUIREMENTS FOR RECORDING
Stewart M. McFadyen
REVIEW OFFICER
DATE 10/18/18



RECOMBINATION SURVEY FOR
STEWART M. MCFADYEN
RECOMBINATION OF MCFADYEN LOT 1 INTO LOT 1R
LITTLE RIVER TOWNSHIP, MOORE COUNTY
NORTH CAROLINA
OCTOBER 18, 2018 *** SCALE 1"=60'



Judy D. Martin

Register of Deeds

Moore County, North Carolina

MAP

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
October 18, 2018 12:35:28 PM
Book 17 Page 900-900
FEE: \$21.00
INSTRUMENT # 2018015099



INSTRUMENT # 2018015099

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Director

DATE: November 6, 2018

SUBJECT: General Use Rezoning Request: Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB)

PRESENTER: Darya Cowick

REQUEST

Jamie Cagle is requesting a General Use Rezoning from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Road, West End owned by Jamie Cagle, per Deed Book 1515 Page 210 and Deed Book 2334 Page 318.

This case was properly advertised, public hearing sign posted on the property, and all adjacent property owners were notified.

BACKGROUND

A single family dwelling is currently located on the property. Adjacent properties include a golf course, a landscaping business, and single family dwellings.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Rural Agricultural Urban Service Boundary (RA-USB) is consistent with the adjacent land uses in the area, including commercial and single family residential. The surrounding area is zoned Neighborhood Business (B-1), Rural Agricultural Urban Service Boundary (RA-USB), and Gated Community Seven Lakes (GC-SL).

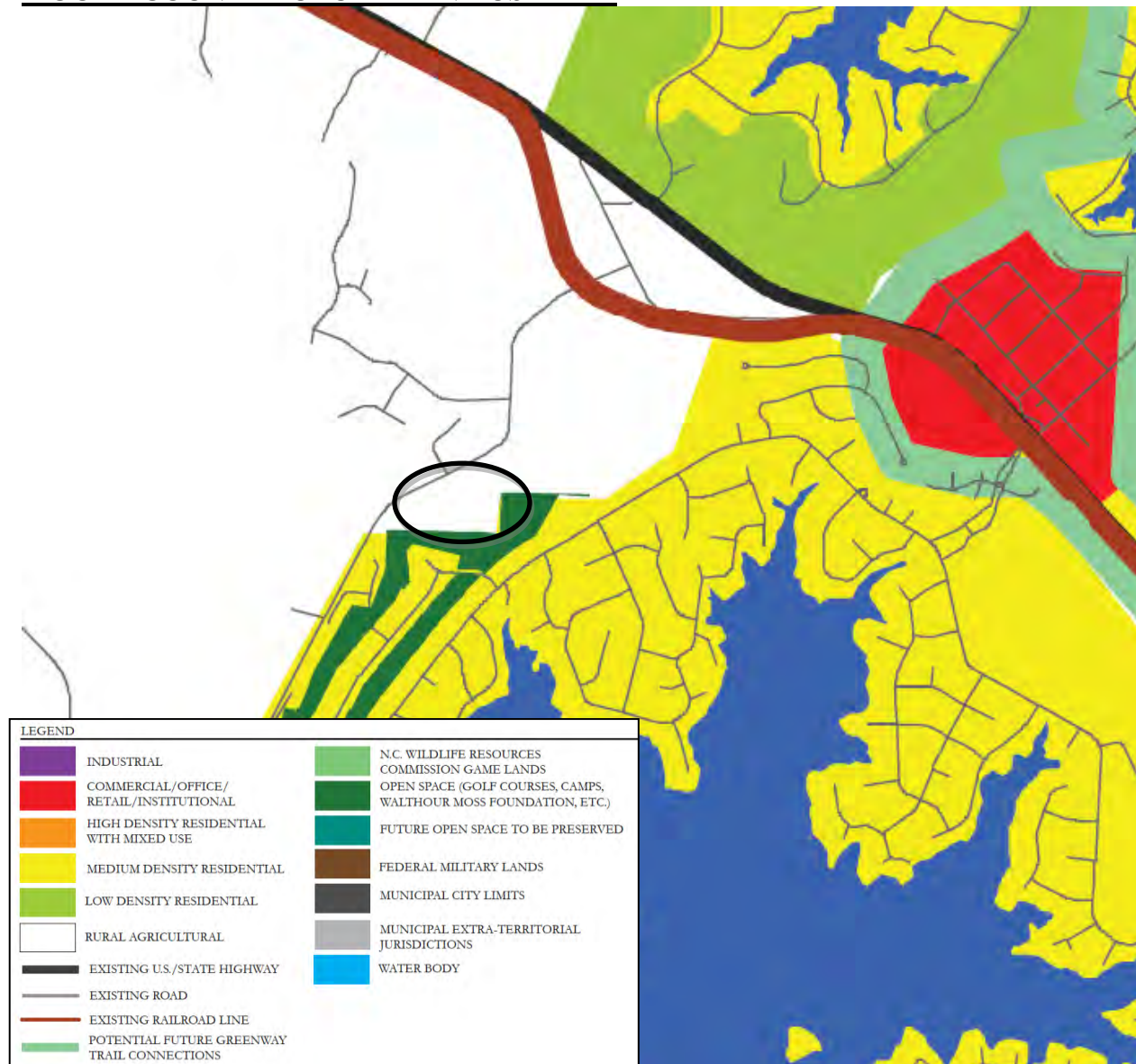
CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The site has a Rural Agricultural Land Use Classification (RALUC). The requested zoning to RA-USB is compatible with the Rural Agricultural Land Use Classification (RALUC). The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification (RALUC) is to support rural residential life associated with agricultural uses and other rural activities. The intent of the RA-USB is a district created to identify areas where Urban Services (sewer and water) could be provided over the next 10-15 years. Although the creation of this District implies no guarantee of services, it acknowledges areas undergoing growth pressures and affords slightly more protection from intrusive uses.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working,

and shopping areas and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements (Approval or Denial) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend **approval** or **denial** to the Moore County Board of Commissioners of the General Use Rezoning from Gated Community Seven Lakes (GC-SL) to

Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Road.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Rezoning Application
- Planning Board Consistency Statement – **Approval**
- Planning Board Consistency Statement – **Denial**
- Deed Book 1515 Page 210
- Deed Book 2334 Page 318

View of subject property



View of subject property' driveway



Adjacent property – Cagle Landscaping



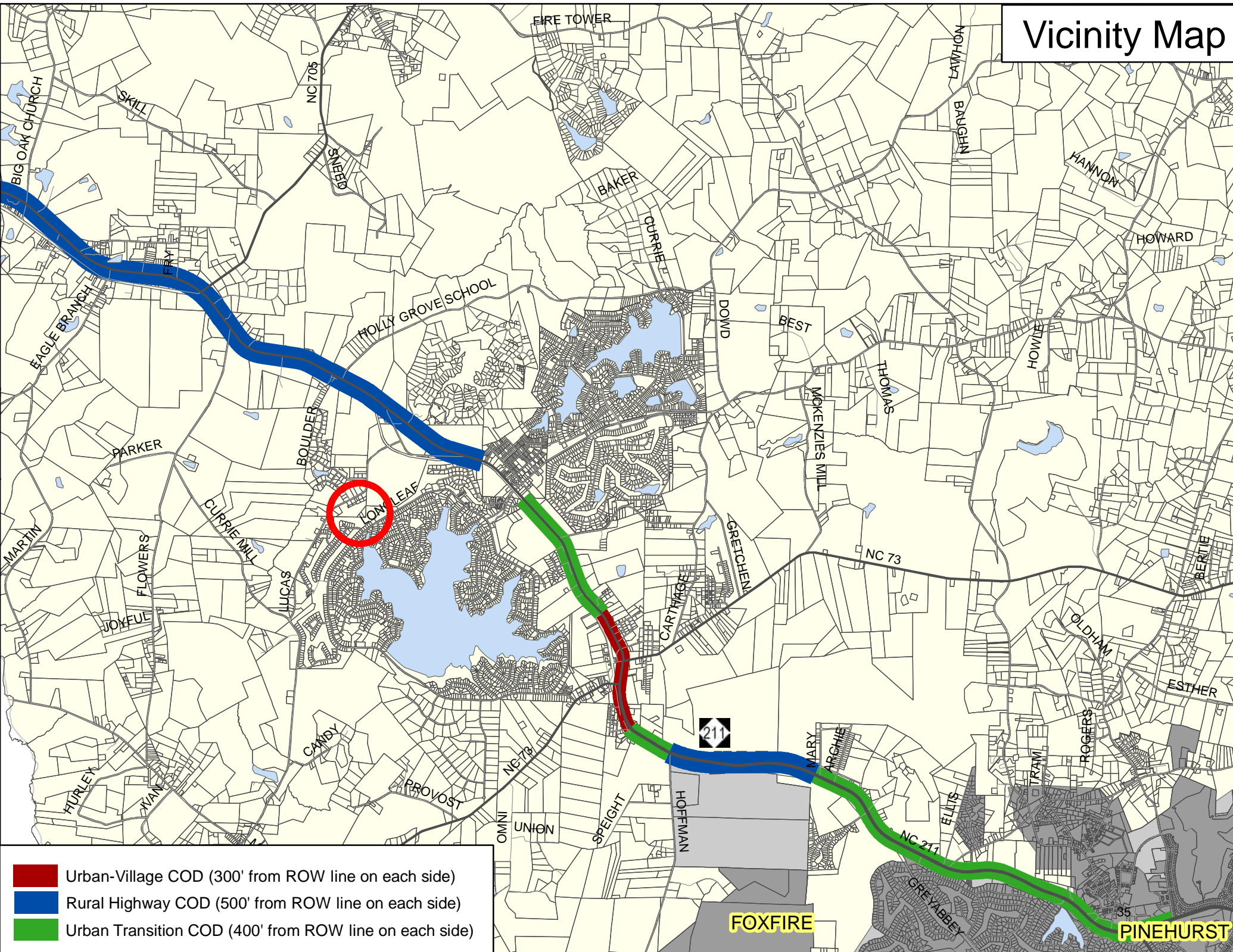
Nearby property – 547 Lucas Road



Nearby property – 111 and 125 Granite Trail



Vicinity Map



- Urban-Village COD (300' from ROW line on each side)
- Rural Highway COD (500' from ROW line on each side)
- Urban Transition COD (400' from ROW line on each side)

FOXFIRE PINEHURST

Land Use Map

Single Family
Dwellings

GRANITE

Single Family Dwellings

Single Family
Dwellings

Undeveloped

Landscaping
company

Gated Community Seven Lakes

BANCROFT

LONGLEAF

TEAGUE

Rezoning Map

RA-USB

GRANITE

LUCAS

B-1

Shaded area
requested to be rezoned
from B-1 to RA-40

GC-SL

LONGLEAF






















TEAGUE

BEACON RIDGE

WINCROFT

37

Legend

 B-1	 PUD/CUD	 RA-40
 B-1-CUD	 PUD-H	 R-MH
 B-2	 RA	 RA-CUD
 GC-SL	 RA-2	 RA-USB
 GC-WL	 RA-2-CUD	 RE
 I	 RA-5	 VB
 P-C	 RA-20	 VB-CUD

County of Moore
Planning and Transportation



Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Transportation: (910) 947-3389

GENERAL USE REZONING APPLICATION

Application Date: 11/05/18			
Location/Address of Property: 549 LUCAS ROAD WEST END, NC 27376			
Applicant: JAMIE DEAN CAGLE		Phone: (910) 673-2761	
Applicant Address: 549 LUCAS ROAD	City: WEST END	St: NC	Zip: 27376
Owner: JAMIE DEAN CAGLE		Phone: (910) 673-2761	
Owner Address: 549 LUCAS ROAD	City: WEST END	St: NC	Zip: 27376
Current Zoning District: GCSL		Proposed Zoning District: RAUSB	
Comments: I AM NOT NOR HAVE BEEN A PART OF SEVEN LAKES WEST. I BELIEVE THAT THE PROPERTY WAS ZONED WRONG AND WOULD LIKE TO HAVE IT CORRECTED			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
Applicant/Owner Signature: <i>Jamie Dean Cagle</i>		Date: 11/05/18	
Applicant/Owner Signature		Date	
Office Use Only: PAR ID: 20030351, 20030350, 00015800 Danya Cowich 11-5-2018 Received By: Date:			

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Gated Community Seven Lakes (GC-SL) to
Rural Agricultural Urban Service Boundary (RA-USB)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The rezoning request is reasonable and in the public interest considering the property is located adjacent to residential property and is in close proximity to the Seven Lakes community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning Request, to result in an approximately 2.084 acre parcel, located at 549 Lucas Road, being rezoned to Residential and Agricultural Urban Service Boundary (RA-USB), as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Gated Community Seven Lakes (GC-SL) to
Rural Agricultural Urban Service Boundary (RA-USB)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

3. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning Request, to result in an approximately 2.084 acre parcel, located at 549 Lucas Road, being rezoned to Residential and Agricultural Urban Service Boundary (RA-USB), as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date

JUN 2 3 48 PM '99

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

010109

TAX ADDRESS

RECORDING

STAMP

TOTAL

Excise Stamps \$ 0

Recording Time, Book & Page

Drafted by Stephen F. Later, Attorney at Law

PO Box 5668

Pinehurst, NC 28374

Brief Description for Index: **Parcels in Mineral Springs Twp.****NORTH CAROLINA QUITCLAIM DEED**

THIS QUITCLAIM DEED made this 27th day of May, 1999, by and between **AMANDA V. CAGLE**, legally separated, (hereafter "Grantor"), of Moore County, North Carolina, and **JAMIE D. CAGLE**, legally separated, (hereafter "Grantee"), of 249 Lucas Road, West End, NC 27376.

WITNESSETH:

The Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those certain lots or parcels of land situated in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

See Exhibit "A" attached hereto and herein incorporated by reference.

This Deed is made in compliance with NCGS Section 50-20 in that it is the express intention of the Grantor that the aforesaid property described herein and all improvements thereon shall be considered the separate property of the Grantee and not marital property as the same is defined in Section 20 of Chapter 50 of the General Statutes of North Carolina. Further, this Deed is made for the specific purpose of releasing and transferring to the Grantee all the right, title, claim, and interest of the Grantor in and

- MAY: 20.00 Rec -

to the above described property and all improvements upon said property, including but not limited to, tenancy by entirety interest and any and all rights the Grantor may have in said property by reason of Chapters 28A, 29, 30, 50, and 52 of the General Statutes of North Carolina. Further, to the extent that the property may have heretofore been marital property, the parties hereto expressly deem this conveyance and distribution of said property to be equitable.

This Deed is also made pursuant to the provisions of a Separation Agreement between Grantor and Grantee and the parties further intend that this Deed shall constitute a memorandum of said agreement for the purposes of NCGS Section 39-13.4 to authorize the Grantee to further convey the real property described herein, or any interest therein without the further consent or joinder of the Grantor.

Subject to and together with the lien of that certain Deed of Trust dated January 6, 1989, from Jamie Dean Cagle and wife, Amanda VonCanon Cagle, to Eugene B. Graham, III, Trustee for First Union National Bank of North Carolina, securing a Promissory Note in the original principal amount of \$40,000.00, recorded in Book 642, Page 189, Moore County Registry, encumbering a portion of the property set forth in that certain Deed recorded in Book 531, Page 236, Moore County Registry. The Grantee herein, by his acceptance of this conveyance from the Grantor, hereby agrees to assume payment of the Promissory Note secured by said Deed of Trust, and to abide by and perform all the terms and conditions thereof, and further agrees to indemnify and hold the Grantor harmless from any loss or further obligation which it might incur by virtue of its original execution or assumption of said Promissory Note and Deed of Trust.

The properties hereinabove described was acquired by Grantor by instruments recorded in Book 664, Page 164; Book 698, Page 51; Book 539, Page 09; Book 511, Page 979; Book 511, Page 978; Book 448, Page 321; Book 531, Page 236; Book 539, Page 9; and Book 511, Page 979, all in the Moore County Registry.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

The designations "Grantor" and "Grantee" as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

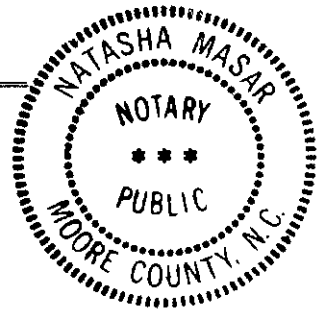
 (SEAL)
AMANDA V. CAGLE

01515 00212

NORTH CAROLINA, MOORE COUNTY

I, Notary Public of the County and State aforesaid, certify that Amanda V. Cagle, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 27th day of May, 1999.

My commission expires: 8/23/2000 Natasha Masar
Notary Public



NORTH CAROLINA-MOORE COUNTY
The foregoing certificate(s) Natasha Masar
is/are certified to be correct. June 1999
This 2nd day of June
JUDITH M. ADAMS, REGISTER OF DEEDS
Judy D. Martin ASSISTANT/DEPUTY

01515 00213

EXHIBIT "A"

Parcel One (Book 664, Page 164)

BEGINNING at a stake in the intersection of the western right-of-way line of State Road #1136 with the line of The Mor Group, Inc., now Seven Lakes Development Co., Seven Lakes West property shown in Plat Cabinet 2, Slide 8, Moore County Registry, being a corner of the property of Grantor described in Deed Book 537, page 38, Moore County Registry; running thence N. 39° 26' 16" E. 182.71 ft. to a stake in the center line of State Road #1136; thence with the center line of State Road #1136 N. 35° 54' 46" E. 194.97 ft. to a stake; thence continuing with said center line N. 39° 41' 29" E. 45.26 ft. to a stake, a nail; thence S. 51° 48' 22" E. 409.65 ft. to a stake; thence S. 58° 27' 38" W. 176.13 ft. to a stake in the line of The Mor Group, Inc., now Seven Lakes Development Co.; thence with Seven Lakes Development Co.'s line N. 88° 27' 44" W. 431.33 ft. to the BEGINNING, and containing 2.45 acres, more or less.

Parcel Two (Book 698, Page 51)

FIRST TRACT: All that certain tract or parcel of land in Mineral Springs Township, Moore County, North Carolina lying about 3 miles northwest of the Town of West End, North Carolina, and fronting on the south side of State Road No. 1136 and about 1/2 mile south of the intersection of State Road No. 1136 and the Norfolk and Southern Railroad, described as follows:

Beginning at an iron stake in the center of State Road No. 1136, said iron stake being located N 17-22 W 1142.8 feet and S 66-46 W 200.00 feet from the southeast corner of Barney L. Cagle's 133 acre tract recorded in Deed Book 164, at page 624, in the Moore County Registry, said beginning corner further located as being the northwest corner of lot no. 2; running thence from the beginning as the west line of lot no. 2, S 23-30 E 219.5 feet to an iron stake, the southwest corner of lot no. 2; thence as a new line S 66-46 W 200.00 feet to an iron stake; thence N 23-30 W 219.5 feet to an iron stake in the center of State Road No. 1136; thence as the center of the road N 66-46 E 200.00 feet to the beginning, containing 1.0 acre, more or less. Subject to conditions identified in Deed Book 419, at Page 447.

SECOND TRACT: A certain tract or parcel of land containing 0.50 acres, more or less, situate in Mineral Springs Township, Moore County, North Carolina, located about 3 miles northwest of the Town of West End and one-half mile south of the intersection of State Road 1136 and the Norfolk and Southern Railroad, and described as follows:

EXHIBIT "A"

Parcel Two (continued)

Beginning at an iron stake, southeast corner of the 1.0 acre tract conveyed by Deed dated April 28, 1977, from Barney Lee Cagle, Jr. and wife, Lula F. Cagle, to Robin K. Blake and his wife, Jackie C. Blake, recorded in the Moore County, North Carolina, Registry, Deed Book 419, at Page 447, running thence from said beginning corner and with the south line of the Robin K. Blake 1.0 acre tract aforered referred to S 66° 46' W 200 feet, southwest corner of the Robin K. Blake 1.0 acre tract; thence S 23° 30' E 100 feet; thence N 66° 46' E 200 feet; thence N 23° 30' W 100 feet to the point of beginning, containing 0.50 acres, more or less.

Subject to conditions identified in Deed Book 486, at page 815.

TOGETHER WITH a certain 1977 Mansion Single Wide Mobile Home having serial number 6765 situate on the property herein before described.

SUBJECT TO all public utility easements and easements for public rights-of-way appearing of record as well as all applicable local, county, state or federal laws or regulations relative to zoning, subdivision, occupancy, use or improvement of the subject real property and subject to any ad valorem taxes for the year in which this deed is dated and/or recorded.

Parcel Three (Book 511, Page 978)

BEGINNING at the southwest corner of Jamie D. Cagle's 1 acre tract described in Deed from Barney Lee Cagle, Jr. et ux recorded in Book 448 Page 321, Moore County Registry, running thence as Cagle's west line extended, South 23 degrees 30 seconds East 100 feet to a stake; thence South 67 degrees 08 mintues West 60 feet to a stake; thence North 23 degrees 30 seconds West 100 feet to a stake; thence North 67 degrees 08 minutes East 60 feet to the beginning, and containing 0.25 acres, more or less.

EXHIBIT "A"

Parcel Four (Book 448, Page 321)

BEGINNING at an iron stake in the center of State Road No. 1136, said iron stake being located North 17 degrees 22 minutes West 1142.8 feet and South 66 degrees 46 minutes West 200 feet from the southeast corner of Barney L. Cagle's 133 acre tract recorded in Deed Book 164 at page 624 in the Moore County Registry, said beginning corner further located as being the northwest corner of Lot No. 3, running thence from the beginning as the west line of Lot No. 3, South 23 degrees 30 minutes East 219.5 feet to an iron stake, the southwest corner of Lot No. 3, thence as a new line South 66 degrees 46 minutes West 200.00 feet to an iron stake; thence North 23 degrees 30 minutes West 219.5 feet to an iron stake in the center of State Road No. 1136; thence as the center of the road North 66 degrees 46 minutes East 200.00 feet to the beginning, containing 1.0 acre, more or less, and being a portion of Barney L. Cagle's 133 acre tract recorded in Deed Book 164 at page 624 in the Moore County Registry.

Parcel Five (Book 531, Page 236)

BEGINNING at an existing concrete monument, a corner of the Longleaf, Inc.-Johnson Improvement Company Tract as shown on the plat thereof recorded in Plat Cabinet 2, Slide 8, Moore County Registry, also being the southeast corner of the Cagle property described in Deed Book 164 at Page 624, Moore County Registry, running thence with Longleaf's line, North 88 degrees 27 minutes 44 seconds West 422.90 feet to a stake; thence North 39 degrees 03 minutes 08 seconds East 711.73 feet to an existing concrete monument, Poole's corner with the Johnson Improvement Company tract in the line of Cagle; thence with Cagle's line with the Johnson Tract South 02 degrees 36 minutes 17 seconds West 564.64 feet to the beginning, and containing 2.74 acres, more or less, and being a portion of the property described in Deed Book 164 at Page 624, Moore County Registry.

Also included in this conveyance is an access easement for ingress and egress to and from the above described tract and State Road #1136, said easement lying adjacent to and parallel with the line of Longleaf, Inc. and being 30 feet in width and extending from the eastern right-of-way line of State Road #1136 to the western boundary of the above described tract.

The above described property and easement are shown and delineated on that certain plat entitled "Survey for Jamie Dean Cagle and wife, Amanda V. Cagle", made by Central Carolina Surveyors, P. A., January 4, 1984.

EXHIBIT "A"

Parcel Six (Book 539, Page 9)

BEGINNING at a stake in the center of State Road #1136, Jamie Cagle's northwest corner of his lot described in Deed Book 448 at Page 321, Moore County Registry, running thence with the line of said lot of Cagle South 27 degrees 32 minutes 19 seconds East 219.75 feet to a stake, another corner of Cagle; thence South 62 degrees 58 minutes 58 seconds West 59.71 feet to a stake, another corner of Jamie Cagle; thence South 27 degrees 32 minutes 19 seconds East 98.94 feet to another corner of Jamie Cagle; thence with Cagle's south line extended North 62 degrees 58 minutes 58 seconds East 459.68 feet to a stake in the line of Tanner described in Deed Book 428 at Page 93, Moore County Registry; thence with Tanner's line South 27 degrees 32 minutes 19 seconds East 35 feet to a stake, Tanner's corner; thence with Tanner's south line North 62 degrees 35 minutes 40 seconds East 199.91 feet to a stake, corner of Tanner and Bruinsma; thence with Bruinsma's south line North 60 degrees 57 minutes 13 seconds East to a stake, common corner of Bruinsma's and Ritter; thence with Ritter's south line described in Deed Book 394 at Page 10, North 61 degrees 11 minutes 13 seconds East 136.47 feet to a stake; thence South 02 degrees 36 minutes 17 seconds West 348.72 feet to a stake in Jamie Cagle's 2.74 acre tract; thence with the line of Jamie Cagle's 2.74 acres South 39 degrees 03 minutes 03 seconds West 711.75 feet to a stake; thence North 88 degrees 27 minutes 44 seconds West 1061.49 feet to a stake, Taylor's corner; thence North 58 degrees 27 minutes 38 seconds East 359.32 feet to a stake; thence North 51 degrees 48 minutes 22 seconds West 409.65 feet to a stake in centerline of State Road #1136; thence with centerline of said road North 63 degrees 30 minutes 05 seconds East 461.20 feet to the beginning, and containing 17.55 acres, more or less, and being the property shown on that certain plat entitled "Survey for Jamie D. Cagle, made by Central Carolina Surveyors, P. A., dated 11/6/85.

Parcel Seven (Book 511, Page 979)

All that certain tract or parcel of land containing .50 acres, more or less, situate in Mineral Springs Township, Moore County, North Carolina, located about 3 miles northwest of West End and about 1 mile south of the intersection of State Road 1136 and the Norfolk and Southern Railroad, and more particularly described as follows:

BEGINNING at an iron stake in the southeast corner of the Jamie D. Cagle 1.0 acre tract as described in Deed dated June 11, 1979, from Barney Lee Cagle, Jr. and wife, Frances F. Cagle, to Jamie D. Cagle, recorded Moore County, North Carolina, Registry, Deed Book 448, page 321, running thence from said beginning corner and with the south line of Jamie D. Cagle's 1.0 acre tract, South 86° 48' West 200 feet to an iron pipe in the southwest corner of the Cagle 1.0 acre tract; thence South 23° 30' East 100 feet to an iron pipe; thence North 86° 48' East 200 feet to an iron pipe; thence North 23° 30' West 100 feet to the point of beginning.

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2003 JUL 18 04:29:12 PM
BK:2334 PG.318-321 FEE:\$20.00
INSTRUMENT # 2003016452

Brief description for the Index

33,166 SQUARE FEET OFF N.C.S.R. 1136, MINERAL SPRINGS TOWNSHIP

This instrument was prepared by Michael G. Gorenflo for The Gorenflo Law Firm, PLLC

NORTH CAROLINA QUIT CLAIM DEED

THIS DEED made this day of **July, 2003**, by and between,

GRANTOR	GRANTEE
Jamie D. Cagle, unmarried	Jamie D. Cagle, unmarried 549 Lucas Road West End, NC 27376

WITNESSETH, that the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract, or parcel of land situated in **Mineral Springs Township, Moore County, North Carolina**, and more particularly described as follows

BEING that certain 33,166 square foot lot as shown on the attached survey thereof entitled Survey for Jamie Dean Cagle & wife, Amanda V. Cagle, dated 11/12/1986, prepared by Central Carolina Surveyors, PA. This being a portion of the property previously described as Parcel Five in Deed Book 1515, Page 210, and in Book 531, Page 236, Moore County Registry.

Also conveyed herewith is that 30' easement for access, ingress and regress and for utility needs leading to N.C.S.R. 1136 as shown on said attached survey.

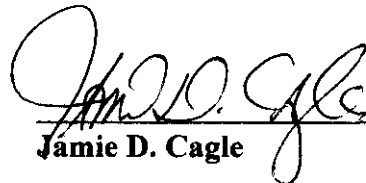
TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple, subject, however, to the exceptions, reservations and conditions as follows

✓
THE
GORENFLO
LAW FIRM,
P.L.L.C.
WEST END, NC

- i Moore County Ad Valorem taxes for 2003,
- ii Easements of Record,
- iii Restrictive Covenants of Record;
- iv Deed of Trust Book 1550, Page 517, Moore County Registry.

Grantor makes no warranty express or implied concerning the title to the above referenced property

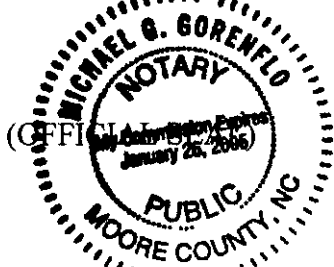
IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written

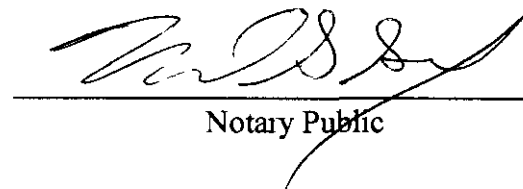
 (SEAL)
Jamie D. Cagle

**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

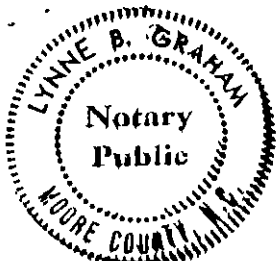
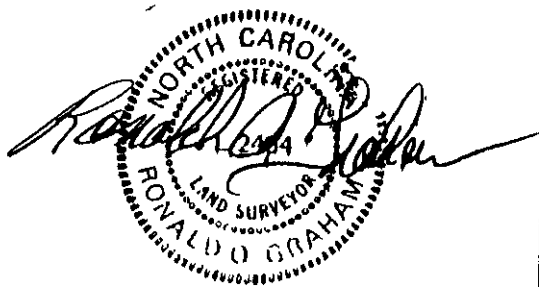
I, **Michael G. Gorenflo**, a Notary Public for said State and County, do hereby certify that **Jamie D. Cagle**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument

Witness my hand and official stamp or seal, this **18th** day of **July, 2003**.




Notary Public

My commission expires January 26, 2005.



I RONALD O. GRAHAM CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY THAT THE RATIO OF PRECISION IS 1 _____ THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED

WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 12TH DAY OF NOV. 19 86

I LYNNE B. GRAHAM, MOORE CO., NC, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT RONALD O. GRAHAM, A REGISTERED LAND SURVEYOR PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT

WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 12TH DAY OF NOV. 19 86

EXPIRATION DATE

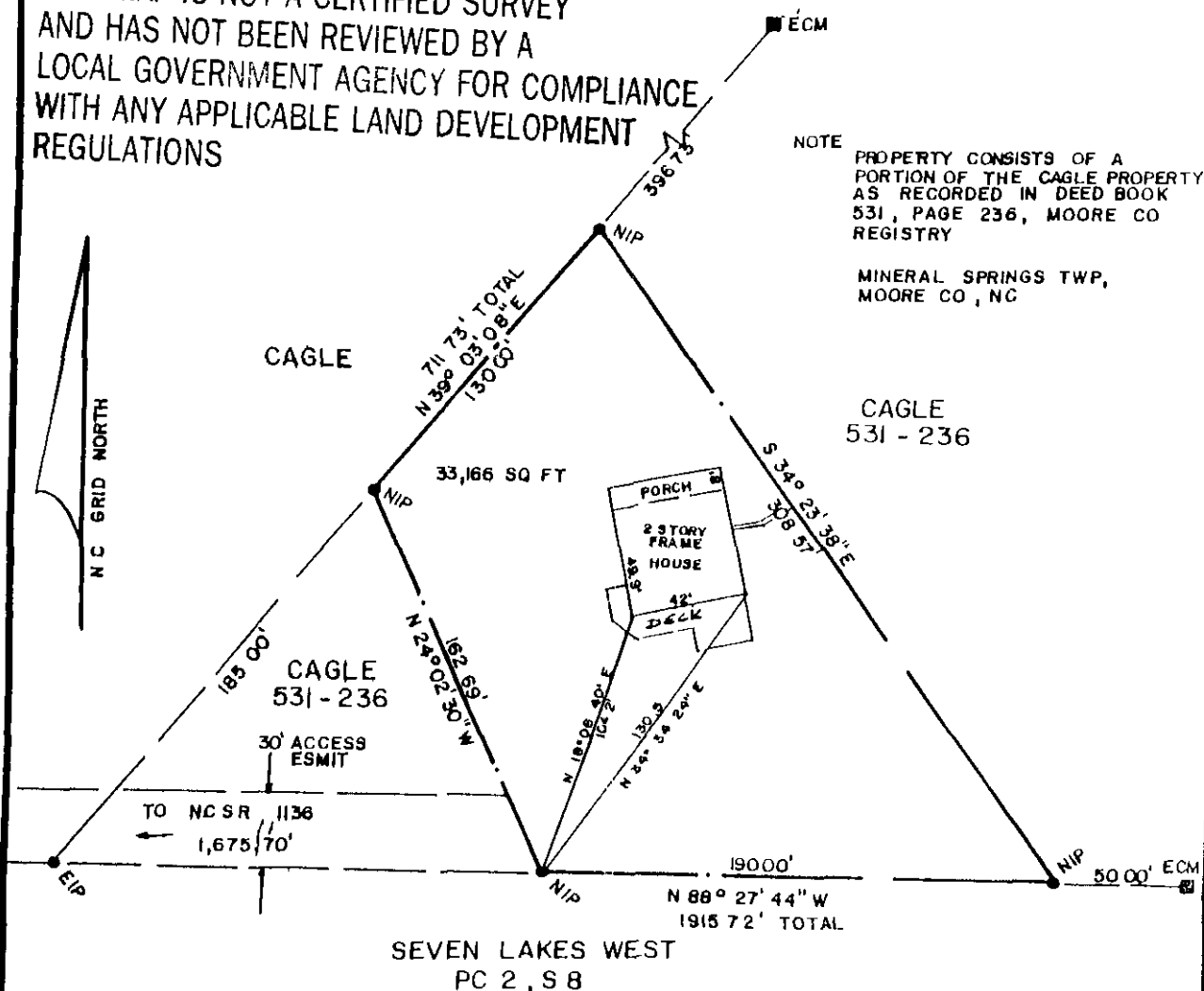
4/7/88

NOTARY PUBLIC

Lynne B. Graham

PROPERTY ☒ (IS NOT) IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE DEPT. OF HOUSING AND URBAN DEVELOPMENT

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS



LEGEND

- EIP EXISTING IRON PIPE
- NIP NEW IRON PIPE
- ECM EXISTING CONCRETE MON
- BCM SET CONCRETE MONUMENT
- R/W RIGHT OF WAY
- PROPERTY LINE

RECORDING DATA =

SURVEY FOR
JAMIE DEAN CAGLE & WIFE
AMANDA V CAGLE
RT 3, BOX III
WEST END, NC

CENTRAL
CAROLINA
SURVEYORS, P.A.

CCS BLDG. HWY 211
PO Box 431
West End, North Carolina 27376
Phone: 674-0154

DATE

11/12/86

PROJ NO

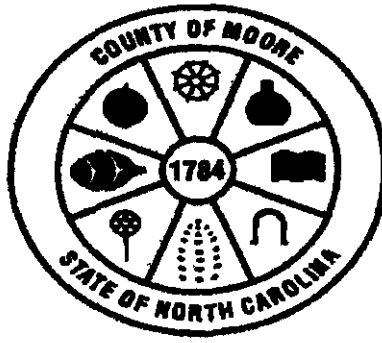
16083

SCALE

1"=60'

REVISIONS

1/9/89



JUDY D. MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

Filed For Registration: 07/18/2003 04:29:12 PM
Book: RE 2334 Page: 318-321
Document No.: 2003016452
QCD 4 PGS \$20.00

Recorder: JEANETTE CHISHOLM

State of North Carolina, County of Moore

The foregoing certificate of MICHAEL G GORENFLO Notary is certified to be correct. This 18TH of July 2003

JUDY D. MARTIN , REGISTER OF DEEDS

By: Judy D. Martin
Deputy Assistant Register of Deeds

2003016452
2003016452

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Director

DATE: November 6, 2018

SUBJECT: General Use Rezoning Request: Residential and Agricultural-5 (RA-5)
to Highway Commercial (B-2)

PRESENTER: Darya Cowick

REQUEST

Planning staff is requesting a General Use Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2) of an approximate 5.844 acres parcel, located at 126 Old West End School Lane, West End, owned by the County of Moore, per Deed Book 428 Page 480.

This case was properly advertised, public hearing sign posted on the property, and all adjacent property owners were notified.

BACKGROUND

A senior center, gym, and auditorium are currently located on the property. Adjacent properties include three hair salons, electrical contractor's shop, construction company, surveyor's office, monument company, and single family dwellings.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Business Commercial (B-2) is consistent with the existing uses in the area, including commercial and single family residential. The surrounding area is zoned a mixture of Highway Commercial (B-2), Residential and Agricultural-20 (RA-20), and Industrial (I).

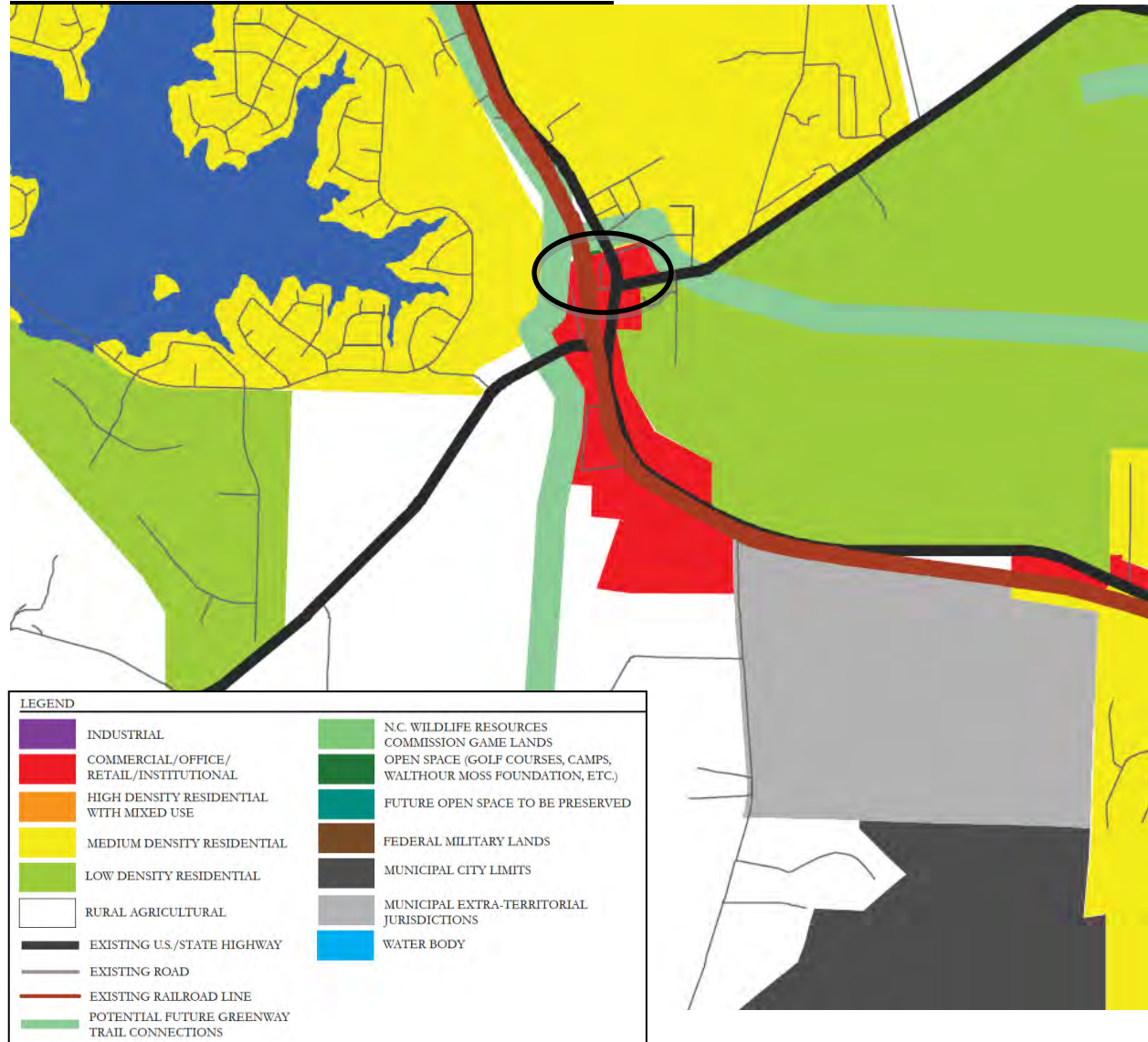
CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The future land use map identifies the property located within the Commercial / Office / Retail / Institutional Land Use Classification. The requested zoning to Highway Commercial (B-2) is compatible with this Land Use Classification. The Land Use Plan states the Commercial / Office / Retail / Institutional Land Use Classification "encourages shopping/retail uses, dining, entertainment, services, general office space, medical offices, banks, schools, daycares, places of worship, libraries, etc." The Moore County Unified Development Ordinance states the Highway Commercial district is "A district to provide for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas."

Land Use Plan Goals: The proposed rezoning request is consistent with several goals as listed in the attached Land Use Plan Consistency Statement, including Action 3.1.2: Encourage non-

residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power; and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt or deny the attached Land Use Plan Consistency Statement authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend **approval or denial** to the Moore County Board of Commissioners of the general use rezoning from Residential and Agricultural-5 (RA-5) to

Highway Commercial (B-2) of an approximate 5.844 acre parcel, located at 126 Old West End School Lane, West End.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Planning Board Consistency Statement – **Approval**
- Planning Board Consistency Statement – **Denial**
- Deed Book 428 Page 480

View of subject property



View of subject property from Hwy 211



Adjacent property – 117 Von Cannon Dr



Adjacent property – 52161 and 5249 NC 211 Hwy – A Beauty Salon and Chisholm Electric



Adjacent property – 5228 NC 211 HWY – Bartlett Construction






Adjacent property – 5318 NC 211 Hwy – Hair Salon, Barber Shop, and Surveyors office



Adjacent property – 136 Mode Dr – Sandhill's Monument Company



Vicinity Map

-  Rural Highway COD (500' from ROW line on each side)
-  Urban Transition COD (400' from ROW line on each side)
-  Urban-Village COD (300' from ROW line on each side)

73

211

FOXFIRE ETJ

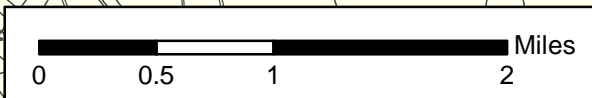
TAYLORTOWN

PINEHURST ETJ

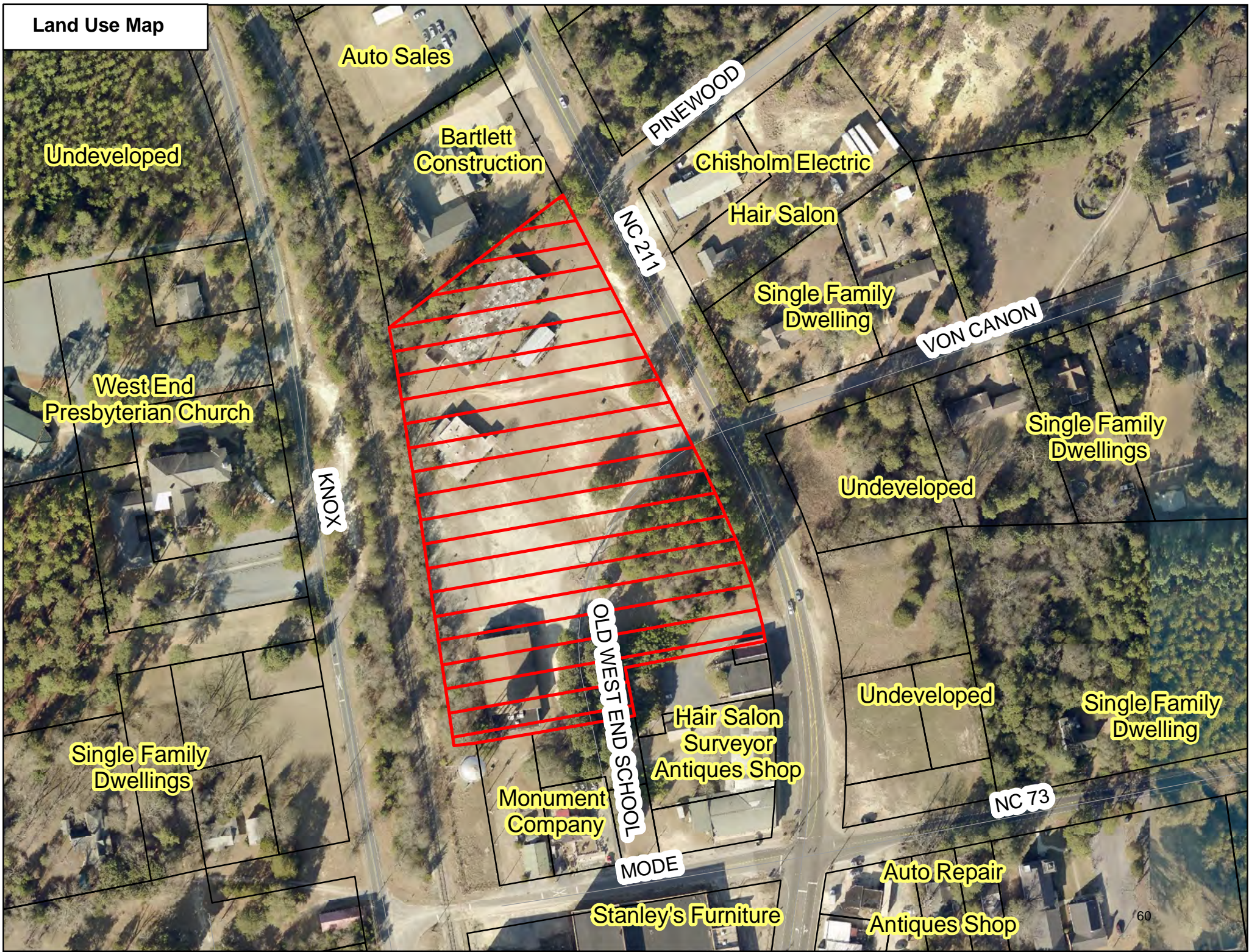
FOXFIRE

PINEHURST

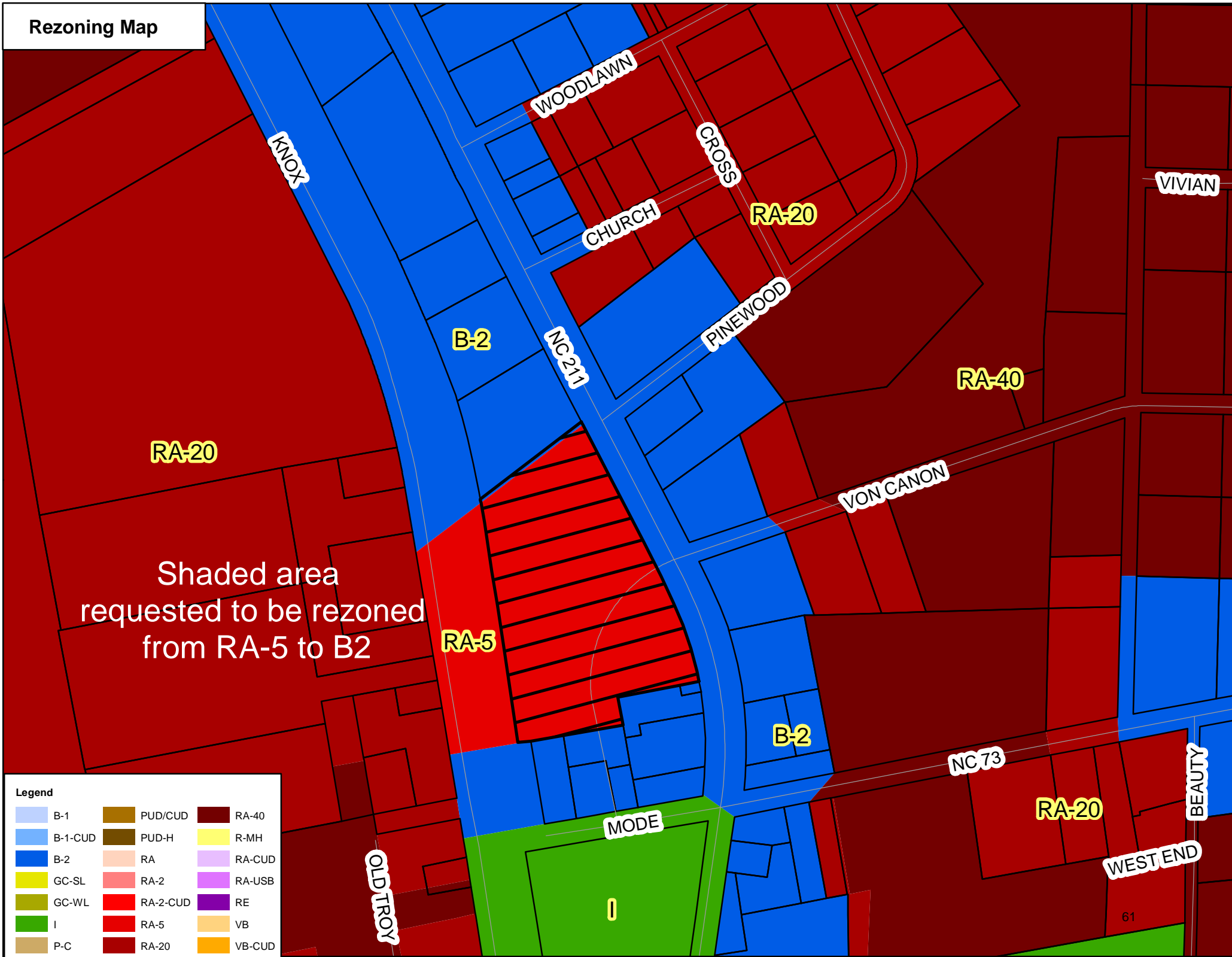
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




















Land Use Map



Rezoning Map



Legend

	B-1		PUD/CUD		RA-40
	B-1-CUD		PUD-H		R-MH
	B-2		RA		RA-CUD
	GC-SL		RA-2		RA-USB
	GC-WL		RA-2-CUD		RE
	I		RA-5		VB
	P-C		RA-20		VB-CUD

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Rural Agricultural-5 (RA-5) to Highway Commercial (B-2)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The rezoning request is reasonable and in the public interest considering the property is located adjacent to an existing major highway, other developed commercial properties, and has access to public water.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning Request, to result an approximate 5.844 acre parcel, located at 126 Old West End School Lane, Highway Commercial (B-2), as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Rural Agricultural-5 (RA-5) to Highway Commercial (B-2)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

3. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning Request, to result an approximate 5.844 acre parcel, located at 126 Old West End School Lane, Highway Commercial (B-2), as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date

FILED
BOOK 422 PAGE 480
JAN 11 2 12 PM '78

BOOK 428 PAGE 480

NORTH CAROLINA

MOORE COUNTY

GRIER GILMORE
RECORDS

THIS DEED OF CORRECTION, made this 2nd day of September, 1977, by the MOORE COUNTY BOARD OF EDUCATION, a body corporate and politic, Moore County, North Carolina (hereinafter called Grantor), TO THE COUNTY OF MOORE, a body corporate and politic (hereinafter called Grantee);

W I T N E S S E T H :

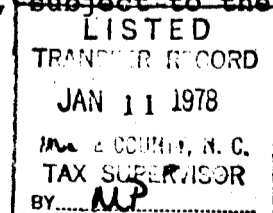
THAT, WHEREAS, Grantor heretofore conveyed to Grantee a tract of land in Mineral Springs Township, Moore County, North Carolina, containing 5.75 acres more or less as described in a Deed from Grantor to Grantee dated 21, July, 1977, and recorded in the office of the Register of Deeds of Moore County in Deed Book 422, Page 389, to which record reference is here made for a description of said land; and,

WHEREAS, it has now been determined that the last two calls in the description of said land are slightly in error and it is the desire of the Grantor to correct the last two calls in said Deed to the end, that they may conform to the actual courses and distances now existing and which should have been set forth in said Deed.

NOW, THEREFORE, in consideration of the premises and for the purposes of foresaid, Grantor does hereby grant and convey to said Grantee the same premises described in the Deed above referred to, except for the last two calls in said Deed, the courses and distances of which are hereby corrected to read as follows:

"Thence again with said right-of-way N. 10 degrees 29.1 minutes W., 139.25 feet to a new iron pipe in said right-of-way of said railroad, the south corner of Sutphin; thence with the southeast line of Sutphin N. 53 degrees 25.0 minutes E. 299.71 feet to the BEGINNING, containing 5.74 acres, more or less, as computed by the Double Meridian Distance Method."

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging, to said Grantee, subject to the



Return: Martin Chriscoe

Recording. No charge

conditions, restrictions and reservations which are set out in the Deed recorded in Deed Book 422, Page 391, herein above referred to, it being understood and agreed that except for the description of said property, as corrected by this Deed, that all conditions, restrictions and reservations contained in the Deed from Grantor to Grantee, dated 21, July, 1977 and recorded in Deed Book 422, Page 389 shall remain in full force and effect.

IN WITNESS WHEREOF, the Moore County Board of Education, Grantor aforesaid, has caused this instrument to be executed in its name by the Chairman of its Board, attested by its Secretary, and its corporate seal to be hereunto affixed, all by order of the Moore County Board of Education, this the day and year first above written.

MOORE COUNTY BOARD OF EDUCATION

(CORPORATE SEAL)

By Mrs. John L. Frye (SEAL)
Mrs. John L. Frye, Chairman

ATTEST:

By: R. E. Lee (SEAL)
Robert E. Lee, Secretary of
the Board

NORTH CAROLINA
MOORE COUNTY

This 2ND day of JANUARY, 19 78, personally appeared before me, the undersigned Notary Public, Mrs. John L. Frye, who being by me duly sworn, says taht she is Chairman of The Moore County Board of Education and that the seal affixed to the foregoing instrument in writing is the corporate seal of The Moore County Board of Education and that said writing was signed and sealed by her on behalf of The Moore County Board of Education by its authority duly given, and the said Mrs. John L. Frye acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and notarial seal, this the day and year first above written.

NORTH CAROLINA - MOORE COUNTY

The foregoing (or annexed) certificate of

W. Joe Vaughn, Notary Public, expires: FEB. 19, 1978 -2-

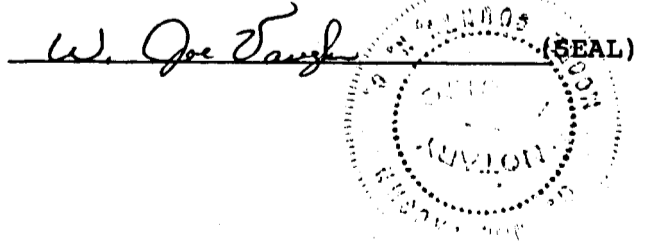
Moore

STATE OF N. C. is certified to be

correct. This January 11, 19 78

Grier Gilmore

Mary R. Phillips Assistant



MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning & Transportation Director

DATE: November 6, 2018

SUBJECT: General Use Rezoning Request: Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40)

PRESENTER: Theresa Thompson

REQUEST

Heidi Thompson is requesting a General Use Rezoning from Mobile Home District to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Road and at 7383 Beulah Hill Church Road, being approximately 1.58 and 1.38 acres, owned by Code Plus Construction per Deed Book 4990, Page 509 and Plat Cabinet 17, Slide 913.

This case was properly advertised, public hearing sign posted on the property, and all adjacent property owners were notified.

BACKGROUND

Property is currently undeveloped. Adjacent properties include a manufactured home park, single family dwellings, and a church.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Residential and Agricultural-40 (RA-40) is consistent with the adjacent land uses in the area, which includes a manufactured home park and single family dwellings. The surrounding area is zoned a mixture of Mobile Home District (R-MH), Residential and Agricultural-40 (RA-40) and Residential and Agricultural-20 (RA-20).

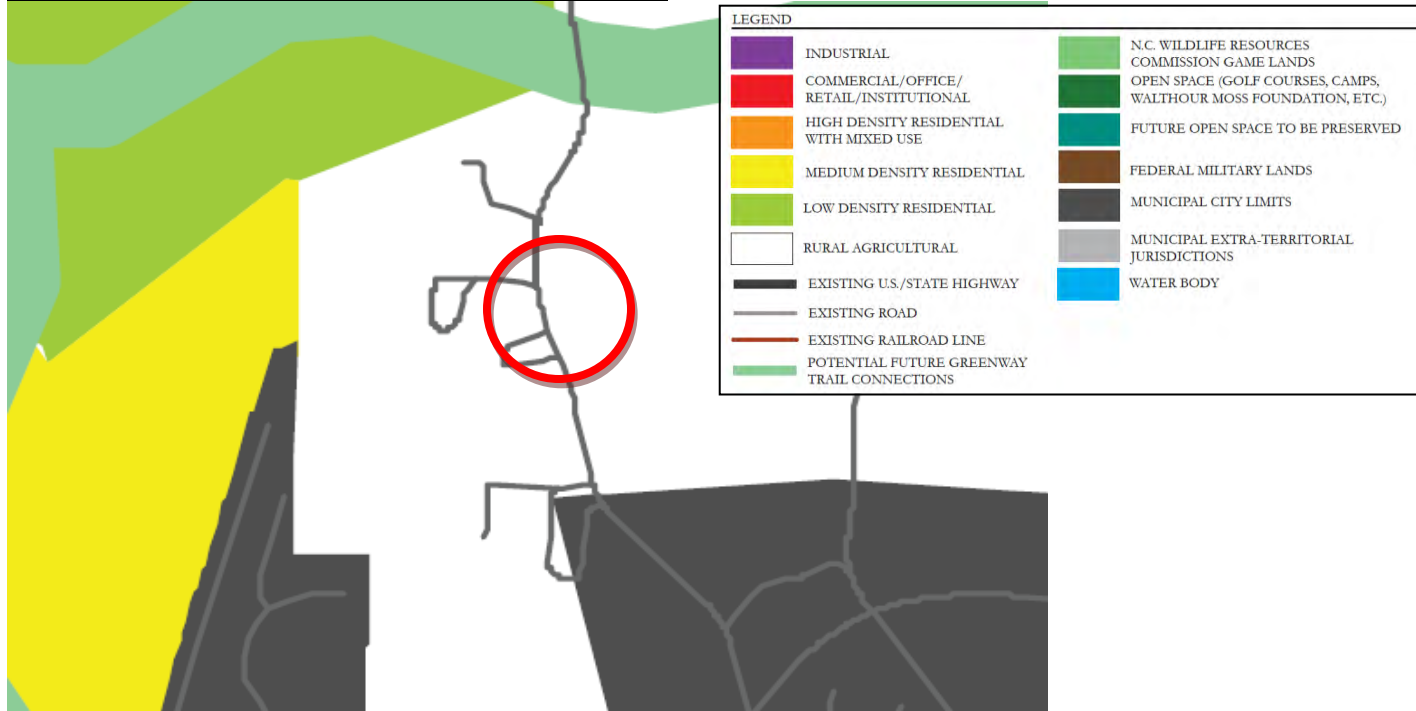
CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The site has a Rural Agricultural Land Use Classification (RALUC). The requested zoning to RA-40 is compatible with the Rural Agricultural Land Use Classification (RALUC). The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification (RALUC) is to support rural residential life associated with agricultural uses and other rural activities. The Moore County Unified Development Ordinance states the Residential and Agricultural-40 zoning district is created to allow for single family dwellings, duplexes and agricultural use and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

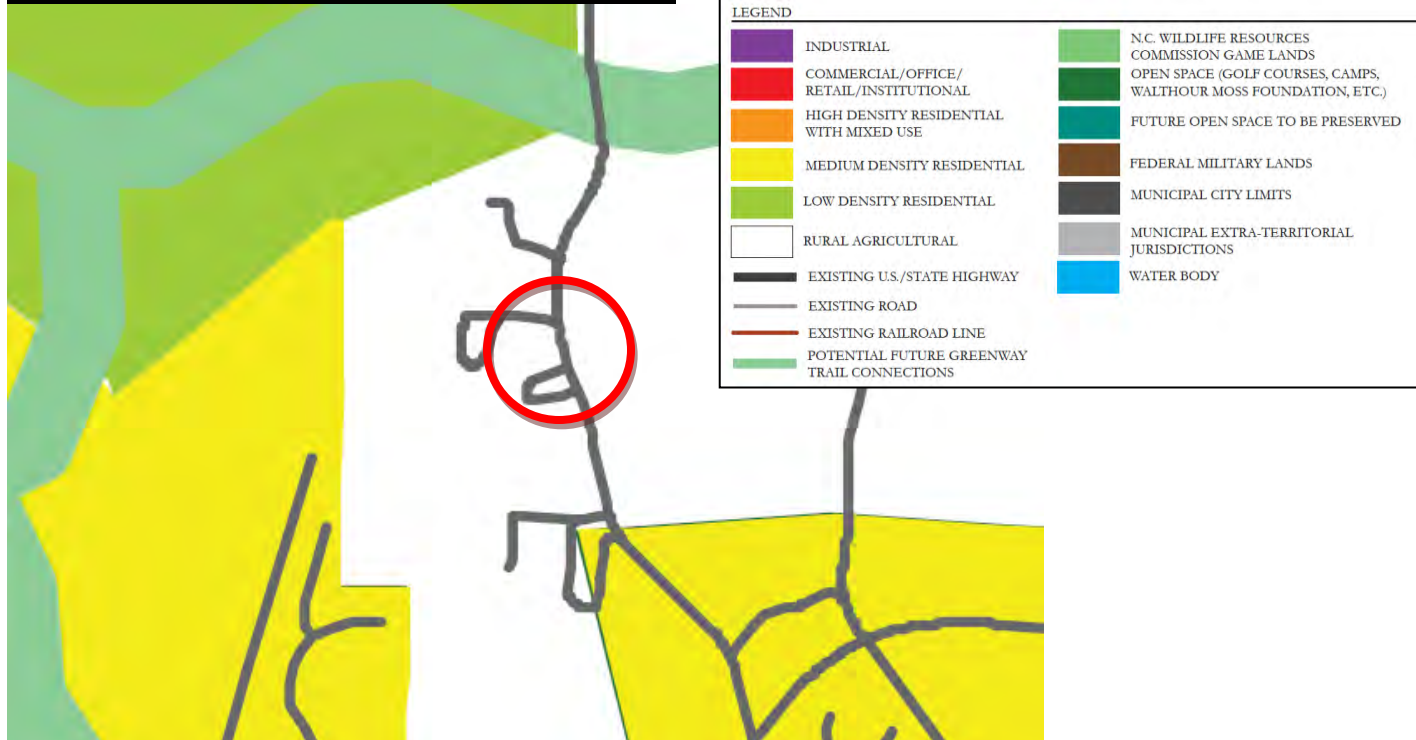
The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working,

and shopping areas and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

MOORE COUNTY FUTURE LAND USE MAP



MUNICIPAL COMPARISON LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements (**Approval or Denial**) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the General Use Rezoning from Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Road and at 7383 Beulah Hill Church Road, being approximately 1.58 and 1.38 acres.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map, Land Use Map, Rezoning Map
- Rezoning Application
- Planning Board Consistency Statement – **Approval**
- Planning Board Consistency Statement – **Denial**
- Deed Book 4990 Page 509
- Plat Cabinet 17, Slide 913

View of subject properties from Beulah Hill Church Road



Adjacent property – 7355 Beulah Hill Church Road



Adjacent property – Michael’s Loop Manufactured Home Park



Adjacent property – 7372 Beulah Hill Church Road





Adjacent property – 7329 Beulah Hill Church Road

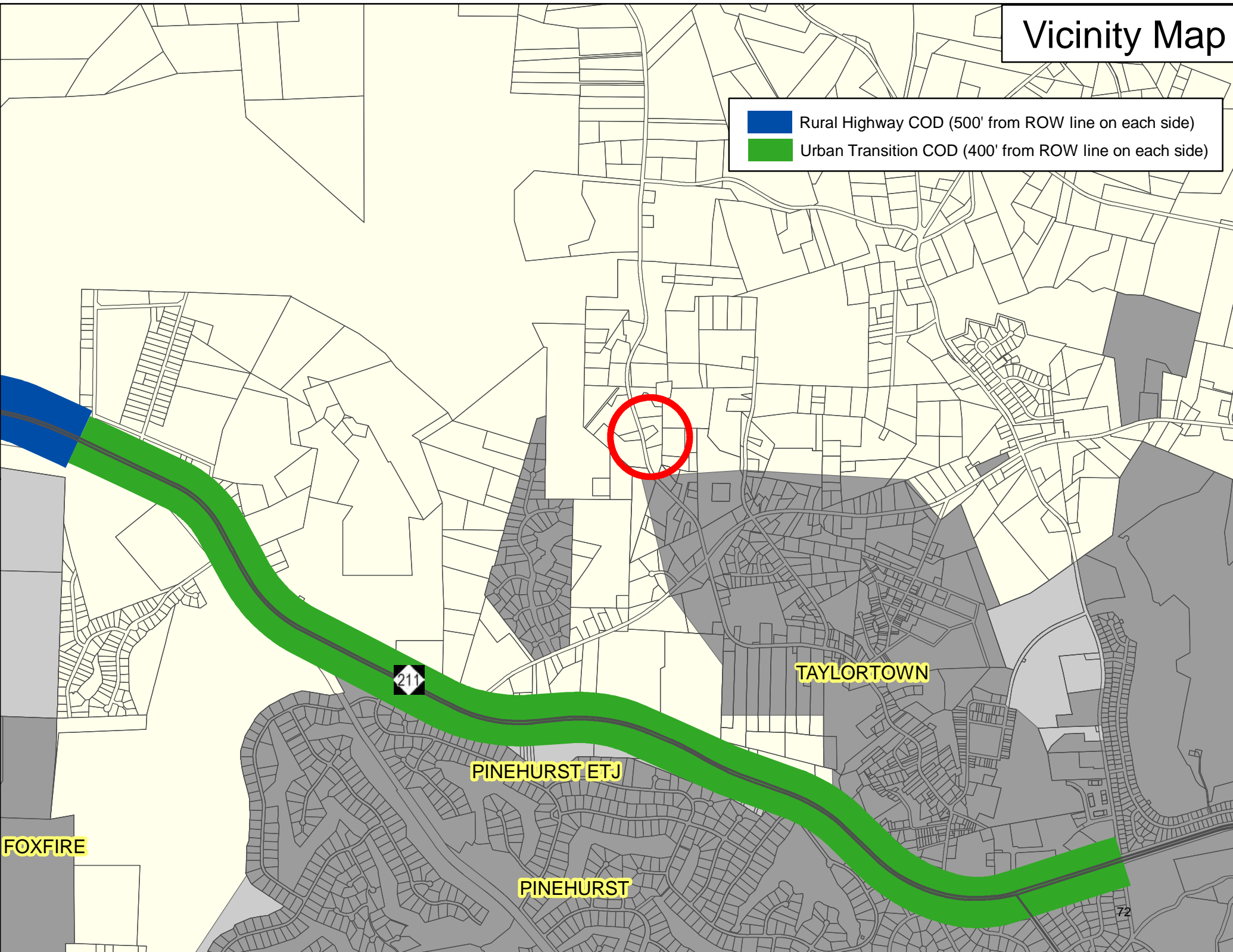


Adjacent property – 7400 Beulah Hill Church Road – Beulah Hill Baptist Church



Vicinity Map

-  Rural Highway COD (500' from ROW line on each side)
-  Urban Transition COD (400' from ROW line on each side)



Land Use Map

MICHAELS LOOP

Single Family Dwellings

Manufactured
Home Park

Undeveloped

Single Family
Dwelling

Single Family
Dwelling

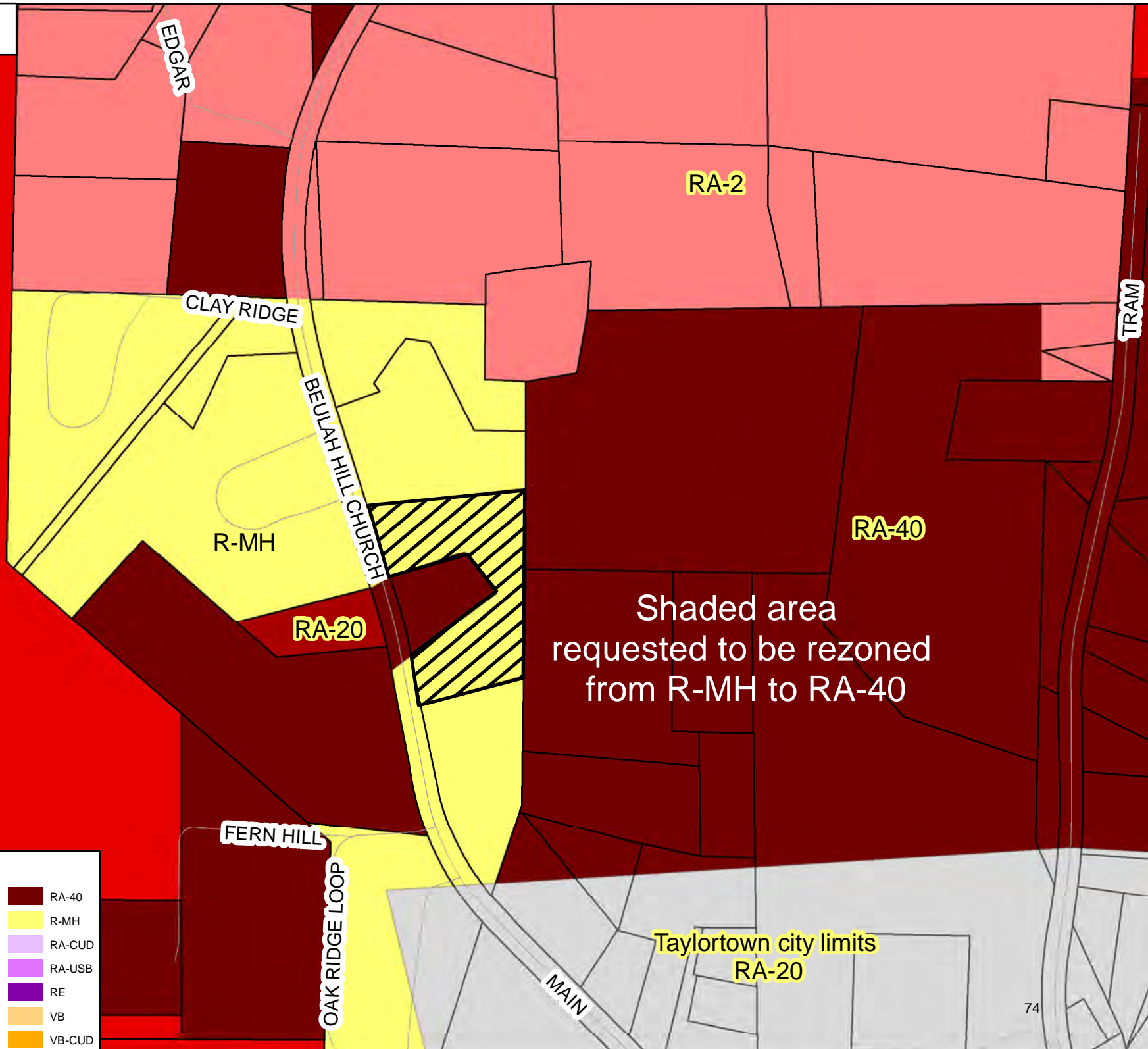
Single Family
Dwelling

Church

BEULAH HILL CHURCH

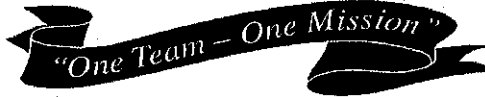
Undeveloped

Rezoning Map



County of Moore
Planning and Transportation

Appt # 23753



Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Transportation: (910) 947-3389

GENERAL USE REZONING APPLICATION

Application Date: 11-1-18			
Location/Address of Property: Beulah Hill Church Rd			
Applicant: Heidi Thompson		Phone: 910-639-3189	
Applicant Address: 106 Dundee Dr.	City: Carthage	St: NC	Zip: 28327
Owner: Heidi Thompson		Phone: 910-639-3189	
Owner Address: 106 Dundee Dr.	City: Carthage	St: NC	Zip: 28327
Current Zoning District: Mobile Home Park	Proposed Zoning District: R-40		
Comments: Would like two lots rezoned R-40			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
Heidi Thompson		11-1-18	
Applicant/Owner Signature		Date	
Applicant/Owner Signature		Date	
Office Use Only:			
PAR ID: 00023135			
Brennan Thompson		11/1/2018	
Received By		Date	

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The rezoning request is reasonable and in the public interest because the proposed rezoning will fit the residential nature of the area and is in close proximity to the Town of Taylortown.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning request from Mobile Home District to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Road and at 7383 Beulah Hill Church Road, being approximately 1.58 and 1.38 acres.

Eddie Nobles, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning request from Mobile Home District to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Road and at 7383 Beulah Hill Church Road, being approximately 1.58 and 1.38 acres.

Eddie Nobles, Chair
Moore County Planning Board

Date

FOR REGISTRATION REGISTER OF DEEDS
 Judy D. Martin
 Moore County, NC
 June 08, 2018 04:53:16 PM
 Book 4990 Page 509-511
 FEE: \$26.00
 NC REVENUE STAMP: \$300.00
 INSTRUMENT # 2018008239



INSTRUMENT # 2018008239

Brief description for the Index:

Stamps: \$300.00

Lot 2 containing 11.19 acres

This instrument was prepared by: **Sandhills Law Group**, No Title Examination Requested or Performed by Drafting Attorney**NORTH CAROLINA GENERAL WARRANTY DEED****THIS DEED** made this 30th day of May, 2018, by and between,

GRANTOR	GRANTEE
MYRTLE GENEVA MICHAEL GRIFFIN	CODE PLUS CONSTRUCTION, LLC
	<u>Mailing address:</u> 106 Dundee Drive Carthage, NC 28327

WITNESSETH:

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in **Mineral Springs Township, Moore County, North Carolina**, more particularly described as follows:

Being all of Lot 2 containing 11.19 acres as shown on Plat entitled "Family Division Survey for Heirs of Hubert Lee Michael, Jr., Mineral Springs Township, Moore County, North Carolina" prepared by Stephen R. Sheffield & Associates, P.A. dated March 29, 2012, appearing of record in the Office of the Register of Deeds in Plat Cabinet 15, Slide 616, to which record reference is hereby made for a more particular description. For further reference see Book 4295, Page 282.

Free Trader appearing of record in Book _____, Page_____.

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended; (ii) such matters, provisions and reservations as are shown on the above plat, if any; (iii) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (iv) utility easements of record.

The property hereinabove described is ____ or ____ is not the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

******The remainder of this page was intentionally left blank******

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Myrtle Geneva Michael Griffin (SEAL)
Myrtle Geneva Michael Griffin

STATE OF NORTH CAROLINA

COUNTY OF MOORE

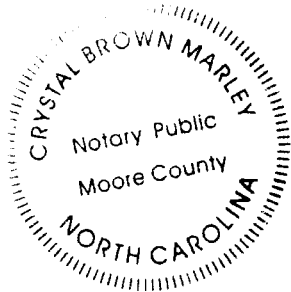
I, CRYSTAL BROWN MARLEY, a Notary Public in and for the County and State aforesaid do hereby certify that **Myrtle Geneva Michael Griffin**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 30th day of May, 2018.

(NOTARIAL SEAL)

Crystal Brown Marley
 NOTARY PUBLIC

My Commission Expires: 3/21/19





Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Moore County Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Moore County Register of Deeds Office.

11/1/2018
Date

Watershed Administrator or Deputy

NOTICE: This Property is Located within a Public Water Supply Watershed — Development Restrictions May Apply.

PLAT CABINET 17, SLIDE 913

Voluntary Agricultural Proximity Statement
These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
November 02, 2018 10:19:58 AM
Book 17 Page 913-913
FEE: \$21.00
INSTRUMENT # 2018015805

OWNER:
CODE PLUS CONSTRUCTION, LLC
106 DUNDEE DRIVE
CARTHAGE, NC 28327

SURVEYOR:
STEPHEN R. SHEFFIELD & ASSOCIATES, P. A.
2233 N. PINEHURST STREET
ABERDEEN, N. C. 28315
910-255-0420

UNLESS OTHERWISE DENOTED,
● = EXISTING IRON STAKE
■ = EXISTING CONCRETE MONUMENT
□ = SET CONCRETE MONUMENT
○ = SET IRON STAKE
~ = SQUARE FOOTAGE
▲ = POWER SERVICE STUB
⊙ = SEWER SERVICE STUB
⊙ = TELEPHONE SERVICE STUB
⊙ = CABLE TV SERVICE STUB
⊙ = WATER METER
⊙ = FIRE HYDRANT
MH = SANITARY SEWER MANHOLE
○ = UTILITY POLE

REFERENCE:
PLAT CAB. 15, SL. 616
DEED BOOK 4990, PAGE 509
MOORE COUNTY REGISTRY
ACREAGE DETERMINED
BY COORDINATE METHOD.

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I freely adopt this plan of subdivision.

Heidi Thompson 11-1-18
Owner Date

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

Therese M. Thompson 11-1-2018
Subdivision Administrator Date

State of North Carolina

I, Therese M. Thompson, Review Officer of Moore County, North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Therese M. Thompson 11-1-2018
Review Officer Date

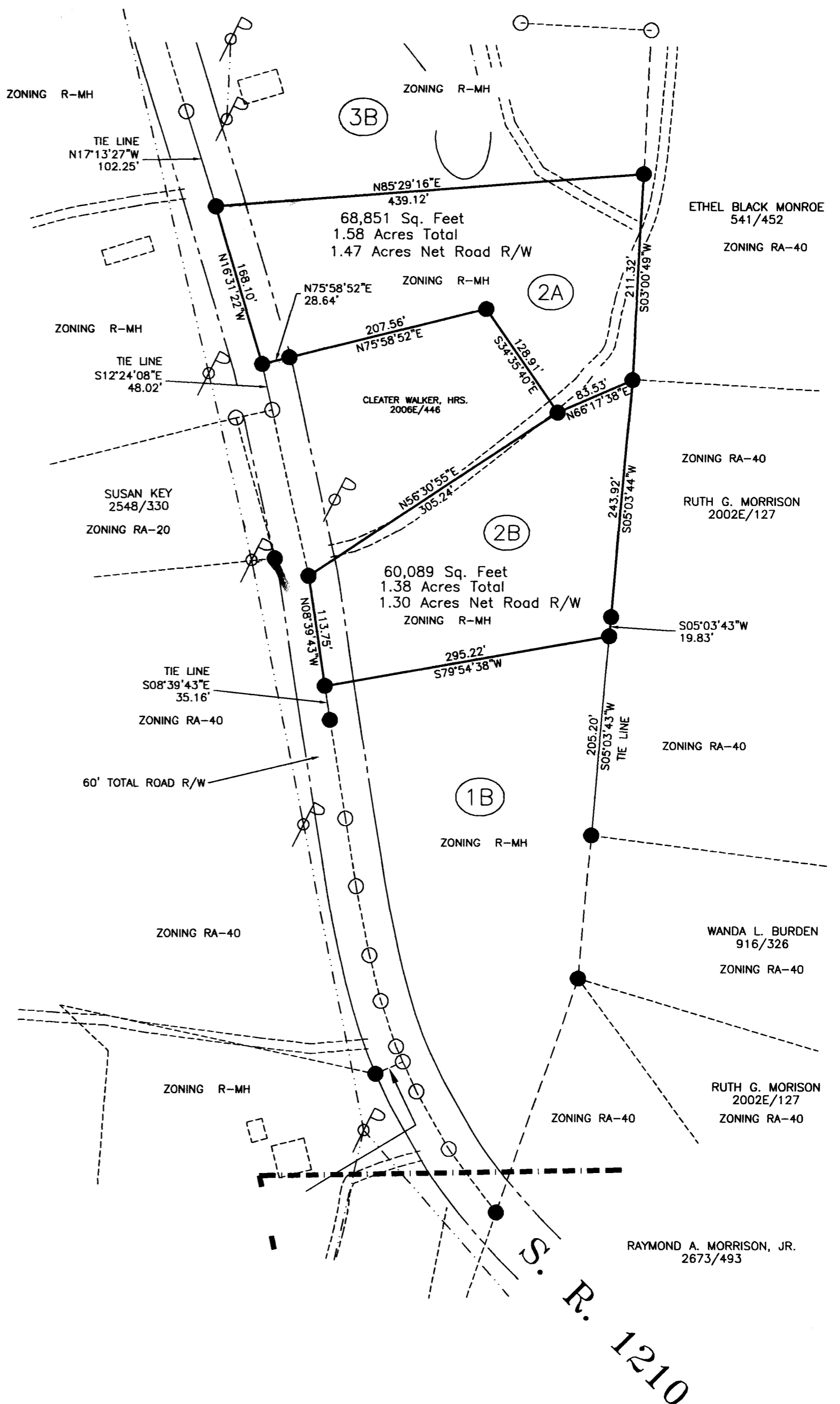
I, S. R. SHEFFIELD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. FURTHER:

THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 31ST DAY OF OCTOBER, 2018, A.D.

S. R. SHEFFIELD, PLS NO. 1365
CORPORATE LICENSE NO. C-1987

Note: Minimum building setback requirements to comply with zoning in force at the time of application for a building permit.

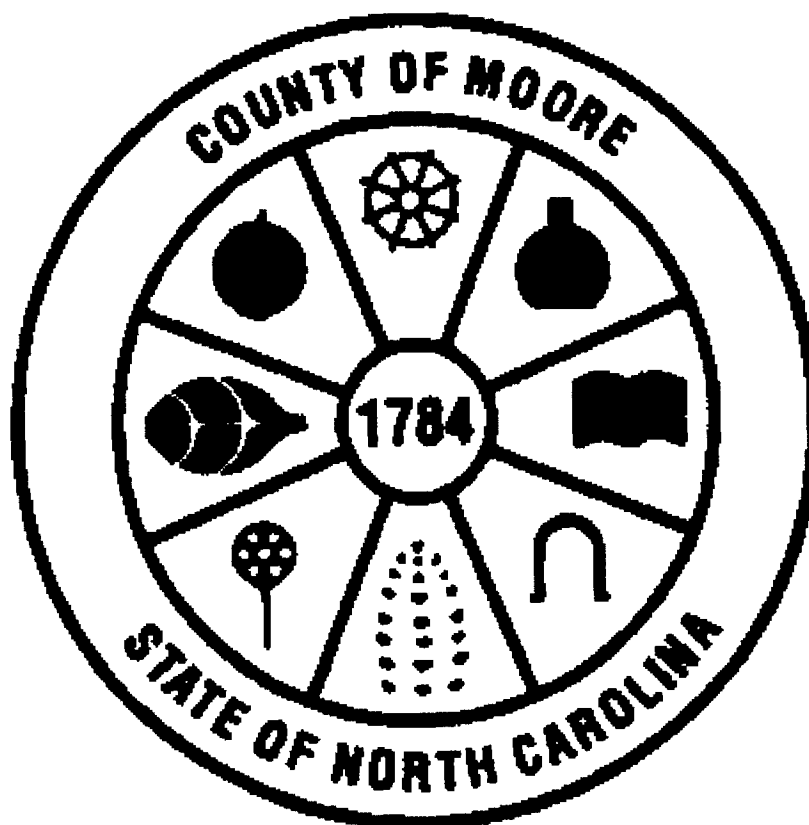


LEVEL 1 MINOR SUBDIVISION FOR
CODE PLUS CONSTRUCTION, LLC
LOT NO. 2

HEIRS OF HUBERT LEE MICHAEL, JR.
MINERAL SPRINGS TOWNSHIP, MOORE COUNTY,
NORTH CAROLINA

OCTOBER 31, 2018-* SCALE 1"=100'
STEPHEN R. SHEFFIELD & ASSOCIATES, P.A.
2233 NORTH PINEHURST STREET
ABERDEEN, NORTH CAROLINA

0 100 200 300



Judy D. Martin

Register of Deeds

Moore County, North Carolina

MAP

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
November 02, 2018 10:19:58 AM
Book 17 Page 913-913
FEE: \$21.00
INSTRUMENT # 2018015805



INSTRUMENT # 2018015805

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Transportation Director

DATE: November 6, 2018

SUBJECT: Unified Development Ordinance Text Amendments

PRESENTER: Theresa Thompson

REQUEST

Planning Staff requested during a recent Work Session of the Board of Commissioners held on October 31, 2018 that conditional use permits go before one board only due to the legal requirements of the quasi-judicial procedures such as testimony under oath, limited opinion testimony, limited gathering of evidence outside of the hearing, and having substantial evidence presented at the hearing to support the factual findings. The Board of Commissioners requested that all Conditional Use Permit requests go before the Board of Commissioners.

Moore County Planning Staff requests the following text amendments to the Moore County Unified Development Ordinance:

Bold Text – additions to the ordinance

~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 2 (Review Bodies and Administrator), Section 2.2 (Planning Board), Subsection A (Powers and Duties) as follows:
 - A. Powers and Duties. The Planning Board shall have all the powers and authority pursuant to NCGS 153A-321 and 153A-322 and shall perform any related duties as directed by the Board of Commissioners. The Planning Board shall make recommendations of the following requests:
 1. Amendments to the UDO text and the Zoning Map;
 2. ~~Conditional Use Permits~~;
 3. Conditional Rezoning;
 4. Amendments to the comprehensive land use plans for Moore County.
2. AMEND Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process) as follows:

A. Submittal. Conditional use permit applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least 30 days prior to the ~~Planning Board~~ **Board of Commissioners'** meeting at which it is to be heard and shall include a site specific development plan prepared in accordance with Section 4.2(C) and proposed phasing, if any, and approximate completion time for the project. Upon completion of the technical review, the Administrator shall prepare and forward the staff report, site plan, and any related application materials to the ~~Planning Board~~ **Board of Commissioners**.

~~B. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation based on the conclusions required for approval as listed in Section 12.2(C) and other matters as deemed appropriate by the Planning Board. In their review, they may suggest fair and reasonable conditions.~~

3. AMEND Chapter 12 (Conditional Use Permits), Section 12.3 (Notice of Public Hearings) as follows:

D. **Fort Bragg Notification**. Conditional Use Permit requests located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the Board of Commissioners public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Board of Commissioners.

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance.

ATTACHMENTS

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval

UDO Text Amendments – Conditional Use Permits – Staff Report



MOORE COUNTY
Proposed Text Amendments to the Unified Development Ordinance
Chapter 2 , Section 2.2, Subsection A; Chapter 12, Sections 12.2 & 12.3, D
November 20, 2018

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed text amendments (listed above) for the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study. Further, RLUAC supports the inclusion of requirement “D. Fort Bragg Notification”.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance
Conditional Use Permits

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to the compatibility of land use goal providing citizens with a transparent approval process. The text amendment is reasonable and in the public interest because the ordinance has been updated to be more user-friendly for use by the general public and development community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Transportation Director

DATE: November 6, 2018

SUBJECT: Unified Development Ordinance Text Amendments

PRESENTER: Theresa Thompson

REQUEST

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance:

Bold Text – additions to the ordinance
~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 2 (Review Bodies and Administrator), Section 2.1 (Board of Commissioners), Subsection A (Powers and Duties) as follows:

2.1 Board of Commissioners

A. Powers and Duties. The Board of Commissioners shall have decision-making authority on the following requests:

1. Amendments to the UDO text and the Zoning Map;
2. Conditional Use Permits;
3. Conditional Rezonings;
4. **Major Preliminary Subdivision Plats;**
5. Vested Rights;
6. Extra-Territorial Jurisdiction (ETJ) Expansions;
7. Public Road Additions and Closures; and
8. Amendments to the comprehensive land use plans for Moore County.

2. AMEND Chapter 2 (Review Bodies and Administrator), Section 2.3 (Subdivision Review Board), Subsection A (Powers and Duties) as follows:

2.3 Subdivision Review Board

B. Powers and Duties. The Subdivision Review Board shall have all the powers and authority pursuant to NCGS 153A-332 and shall perform any related duties as

directed by the Board of Commissioners. The Subdivision Review Board shall ~~have decision-making authority~~ **make recommendations** on the following requests:

1. Major Preliminary Subdivision Plats.

3. AMEND Chapter 6 (Table of Uses), Section 6.1 (Table of Uses) as follows:

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
SINGLE FAMILY HOUSEHOLD																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.4	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.5	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.6	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.7	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.8	R-3
Dwellings, Duplexes	P	P				P	P								8.9	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.10	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.11	R
Home Occupation, Level 2			C	C			C		C						8.12	R
Manufactured Home	P	P	P	P			P	P	P						8.13	R-3
Manufactured Home Park									C						8.14	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.15	R, S
Planned Unit Development – Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.16	Mix
Major Subdivision	C	C						C							18.6-18.11	Mix

4. AMEND Chapter 18 (Subdivisions), Section 18.5 (Minor Subdivisions), Subsection A (Applicability) as follows:

6. Does not require a variance ~~or waiver~~ from any of the requirements of this UDO.

5. AMEND Chapter 18 (Subdivisions), Section 18.6 (Major Subdivisions – Preliminary Plat Submittal and Review) as follows:

18.6 Major Subdivisions - Preliminary Plat Submittal and Review

B. Subdivision Review Approval Steps.

1. **Initial Consultation with County Staff**
2. **Concept Plan Submittal**
3. Project Review Team Meeting
4. Infrastructure Meeting (fire flow test results are required)

5. Preliminary Plat Submittal ~~and Approval~~ a minimum 30 days before the Subdivision Review Board Meeting
 6. Subdivision Review Board Meeting
 7. Board of Commissioners Meeting – Decision
 8. Board Order Approval
 9. The applicant shall post a sign stating “Subdivision Decision”
 10. Construction Plan Submittal and Approval (or Improvement Guarantees approved by the Board of Commissioners)
 11. Installation and Inspections of Improvements
 12. As-Built Drawings Submittal and Approval
 13. Final Plat Approval
- C. **Concept Plan.** Plan showing a general design for the entire development project area. A Concept Plan should identify layout of streets, number of lots, phasing, adjacent land uses, open space and buffers, easements, etc.
- D. **Preliminary Plat Submittal.** The preliminary plat shall be submitted to the Administrator at least ~~20~~ 30 days prior to the Subdivision Review Board meeting. Preliminary plats shall meet the specifications in this Chapter and shall (1) be submitted as either a Conservation or Conventional Subdivision, (2) meet all applicable zoning and subdivision requirements, (3) comply with NCGS 47-30, including but not limited to the applicable information required in Section 18.15, and (4) include applicable statements required in Section 18.16.
- F. **Action by the Administrator.** The Administrator shall review the preliminary plat and within 10 days provide comments to the applicant. Plats shall not be forwarded to the Subdivision Review Board for review and ~~approval~~ **recommendation** until all deficiencies have been corrected.
- H. **Action by the Subdivision Review Board (SRB).** The applicant shall submit 15 copies of the preliminary plat (24”X36”) at least 10 days prior to the meeting. The SRB shall review the preliminary plat and shall ~~approve, approve conditionally with modifications to bring the plat into compliance, or disapprove the plat~~ **recommend approval, approval with modifications to bring the plat into compliance, or denial to the Board of Commissioners.**
- I. **Action by the Board of Commissioners (BOC).** The BOC shall hold a quasi-judicial public hearing and shall approve, approve conditionally, or disapprove the plat. A quasi-judicial decision requires a discretionary decision on the findings of fact listed in Section 12.2 (C). During deliberations and consideration of the application the BOC may include the reasons for the need for additional analysis and review. A Conditional Use Permit is effective upon filling the Board Order with the Clerk to the Board.
- K. **Subdivision Decision Sign.** The applicant shall post a sign containing the words “Subdivision Decision” in letters at least 6 inches high, including contact information

of the Administrator, on the site in a prominent location including street frontage, and provide evidence to the Administrator within 10 days of ~~preliminary plat approval~~ **the filed Board Order**, for a minimum of 10 days to notify the neighbors of the subdivision decision, or the plat shall be null and void.

- L. Conditional Approval. If the ~~SRB Board of Commissioners~~ approves the preliminary plat with conditions, the conditions shall be noted on the plat.
 - M. Denial. If the ~~SRB Board of Commissioners~~ disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply and possible modifications may be indicated for further considerations. The applicant may make the recommended revisions and submit a revised preliminary.
 - N. Expiration. Preliminary plat approval shall be valid for a period of two years from the date of approval of the plat by the ~~SRB Board of Commissioners~~ unless an extension of time is applied for and granted by the ~~SRB Board of Commissioners~~. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a stage of the subdivision.
 - O. Appeal. Final action on a Major Subdivision plat by the ~~Subdivision Review Board~~ ~~may be appealed Board of Adjustments in accordance with Section 13.1~~ **Board of Commissioners may be appealed to Superior Court pursuant to Section 2.1 (B).**
6. Chapter 18 (Subdivisions), Section 18.7 (Major Subdivisions – Minimum Design Standards as Shown on Preliminary Plat) as follows:

18.7 Major Subdivisions – Minimum Design Standards as Shown on Preliminary Plat

- C. Suitability of Land. Land which has been determined by the ~~SRB Board of Commissioners~~ on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Department of Environmental Health or a qualified licensed professional determine that the land is suitable for the purpose proposed.
- F. NCDOT approval. If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval. NCDOT **or the Board of Commissioners** may require a traffic impact study **when a road capacity or safety issue exists**. The required Home Owners Association (HOA) documents and by-laws, to be recorded at the same time as the final plat, shall include the following: The HOA shall be responsible for the maintenance of all streets by means of a private road maintenance agreement until the

streets are part of the State highway system. **The developer is responsible for maintenance of the streets until a HOA is formed.**

- K. Water and Sewer Options. All water and sewer systems shall be installed in accordance with County specifications and standards. Major subdivisions of 20 or more lots are required to install and connect to public or community water and/ or sewer. Water supply and sewage disposal facilities to serve Major Subdivision developments may be provided through the use of:
1. ~~Individual wells and septic tanks provided either on each lot or in off lot locations protected through recorded easements (for subdivisions proposing nineteen or less lots); or~~
 2. A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable County, State and Federal standards, regulations, and policies; or
 3. Connection to a public water and/ or sewage disposal system shall be provided. ~~All water and sewage facilities shall be designed and installed according to the standards of the Moore County Department of Public Works (or more stringent), Department of Environmental Health, and NC Department of Environmental Quality.~~ System extensions are permitted only in accordance with applicable **local and state** water, sewer and land use policies. **The proposed public water and/or sewer supply shall show that the existing facilities have the capacity to handle the additional usage generated by the development and what affect it will have on future capacity in the area;** or
 4. A combination of the above alternatives.
- L. Fire Service. **The developer shall identify the primary and secondary Fire and Rescue responders.** Major ~~residential subdivisions of 20 or more lots and nonresidential subdivisions~~ shall provide for fire service flow **and shall follow the Insurance Service Office (ISO) and the current adopted fire code.** Any major subdivisions greater than 6 driving miles could potentially be placed in a non-protective fire class and should not be considered. ~~Where in the opinion of the Subdivision Review Board a major subdivision of 20 or more lots cannot be economically connected to a County owned or operated water distribution system, a privately owned water supply, including hydrants, must be installed with a minimum of six inch water lines capable of delivering fire service flows. The Subdivision Review Board, subject to the approval of Emergency Services or the authority having jurisdiction, may authorize the use of water bodies on site in lieu of six inch lines with hydrants~~ Fire service flows and hydrant design and placement shall be consistent with all Fire Prevention Codes and policy manuals as set forth by Moore County Dept. of Public Safety or the authority having jurisdiction and the appropriate local utility provider. ~~Unless authorized by the Subdivision Review Board and/or directed otherwise by design manuals of the local utility provider, the following standards shall apply.~~
1. ~~All fire hydrants shall be installed on a minimum six inch waterline.~~
 2. ~~There shall be at least one fire hydrant at each street intersection.~~

- ~~3. Valves associated with fire hydrant assemblies shall be located within 12 to 25 feet of the edge of the pavement.~~
- ~~4. No fire hydrant may be located more than 25 feet from the pavement edge.~~
- ~~5. The applicant shall adhere to the following spacing schedule. Separation shall be measured along street centerlines. When schools and high density and multi story nonresidential intersections are less than 450 feet apart, a hydrant is not required between intersections. Where intersections are less than or equal to 1,000 feet apart in low density residential developments, no hydrant is required between the intersections.~~

PROPOSED USE	SPACING (FEET)
Residential	500
Schools	300
Low and medium density nonresidential, single story	500
High density and multi story nonresidential	300

- M. Drainage Easements. A stormwater management plan shall be required as part of the application submittal. All structural stormwater Best Management Practices (BMPs) shall meet the most current edition of the North Carolina Department of Environmental Quality, Division of Water Quality's Stormwater Best Management Practices Manual. All stormwater control structures shall be designed by a state registered professional with qualifications appropriate for the type of system required. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level. Each lot shall contain a suitable building area safe from inundation and erosion. Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and be of sufficient width to provide adequate drainage for the subdivision. If a stream or drainage way does not cross a subdivision, a 20 feet wide drainage way easement shall be provided along the topographically lowest property line(s) of lots within the subdivision.
- O. Underground Utilities. All new utilities associated with the proposed development shall be underground unless just cause requires otherwise as approved by the ~~Subdivision Review Board~~ **Board of Commissioners**.
- S. Adequacy of Public School Facilities. Approval of new major subdivision will become effective only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development. Adequate service levels for public schools shall be deemed to exist with respect to a proposed new development if, given the number of school age children projected to reside in that development, projected school membership for the elementary schools, the middle schools, and the high school(s) within the relevant school district does not

exceed 105% of the building capacities of each of the three school levels, based on the most recent version of the “Moore County Schools Out-of-Capacity Table.”

7. Chapter 18 (Subdivisions), Section 18.9 (Option 2 – Conventional Subdivision Design Standards) as follows:

18.9 Major Subdivisions – Option 2 – Conventional Subdivision Design Standards

- D. Payments in Lieu of Dedication of Recreation Requirements. Recreation and/ or open space required for conventional subdivisions may make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the **SRB Board of Commissioners** shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the **SRB Board of Commissioners**. The fees in lieu of dedication shall be paid prior to final plat approval. The amount of the payment shall be the product of the number of acres to be dedicated and the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid. All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, open space sites, and related facilities.

8. Chapter 18 (Subdivisions), Section 18.11 (Final Plat Submittal) as follows:

18.11 Major Subdivisions – Final Plat Submittal

- A. Final Plat Submittal Requirements. The final plat shall conform substantially to the approved preliminary plat. Should the Administrator, Building Inspector, Environmental Health, the Fire Marshal, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to plat, as necessary. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the **SRB and the Board of Commissioners**.
- B. Action by the Administrator. The Administrator shall take expeditious action on a final plat. If the Administrator fails to act within 15 business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the **SRB Board of Commissioners**.
- E. Appeal. If a final plat is disapproved by the Administrator, the applicant may appeal the decision by requesting that the final plat be scheduled for review by the **SRB Board of Adjustments**. Pursuant to NCGS 153A-336(b), if the **SRB Board of Adjustments** disapproves the final plat the applicant may appeal to Superior Court pursuant to Section 2.1(B).

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

ATTACHMENTS

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval



MOORE COUNTY
Proposed Text Amendments to the Unified Development Ordinance – Review /
Approval of Major Subdivisions
Chapter 2, Section 2.1 & 2.3; Chapter 6; Chapter 18, Sections 18.5, 18.6 & 18.7
November 20, 2018

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed text amendments (listed above) for the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study. It therefore has no issues or concerns with the proposed text amendments.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the Future Land Use Map and the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities):

- Recommendation 1.1: Encourage the conservation of farmland for farming and forestland for forestry.
- Action 1.1.2: Strengthen and expand the voluntary agricultural district (VAD) program.
- Recommendation 1.2: Continue to encourage agriculture and agribusinesses throughout Moore County.
- Action 1.2.1: Support operating environments for agriculture.
- Recommendation 1.3: Preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy.
- Action 1.3.3: Through the use of voluntary agricultural districts, discourage the extension of sewer infrastructure into identified prime agricultural areas.
- Recommendation 1.4: Preserve regional agriculture and farmland as a source of healthy, local fruits and vegetables, and other food crops.
- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.
- Recommendation 1.6: Preserve and maintain the rural character of Moore County, including historic sites and structures, crossroad communities, and other physical features that reflect the County's heritage.
- Action 1.8.5: Encourage major developments to locate in existing municipalities wishing to host it.
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 2: Enhance the Union of the Built and Natural Environments to Improve Citizen Health through the Use of Open Space and Recreational Opportunities

- Action 2.3.1: Preserve natural resources, sensitive environmental areas, and scenic features of the landscape that have recreational, environmental, or aesthetic value.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Recommendation 3.1: Maximize accessibility among living, working, and shopping areas.
- Action 3.1.1: Adopt policies that encourage development of mixed land uses, as appropriate, to provide easy access, reduce travel time, and improve convenience among uses surrounding the County's established towns and villages.
- Recommendation 3.2: Assure an adequate quality & quantity of water is available to support the desired growth of the County.
- Action 3.2.1: Prioritize infrastructure extensions that increase the utilization of existing systems and connections which result in more uniform distribution.
- Action 3.2.3: Support the development of water and centralized sewer infrastructure within municipal areas and rural commercial areas.
- Action 3.2.5: Ensure Best Management Practices (BMPs) are followed to reduce runoff.
- Action 3.2.9: Buffer riparian areas, floodplains and wetlands from development and promote the use of stormwater best management practices (BMPs) for development near these natural features.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.
- Action 3.4.1: Direct intensive land uses to areas that have existing or planned infrastructure.
- Action 3.4.2: Encourage mixed-use developments along existing and planned infrastructure to reduce transportation needs.
- Action 3.4.3: Utilize existing public rights-of-way for utility purposes in an effort to reduce the need for new rights-of-way and easements in the future.

Goal 4: Provide Information and Seek Citizen Participation

- Recommendation 4.1: Promote efforts to involve and inform citizens throughout various planning and permitting processes.

2. The text amendment is consistent with the Goals listed above by enabling the approval of major subdivisions to be a transparent process and allowing the Board of Commissioners to manage the future development by preserving the rural character of Moore County while promoting sustainable growth. The text amendment is reasonable and in the public interest because the ordinance has been updated to protect current uses and way of life while also protecting property rights. The text amendment will also allow the public to become more involved with the future growth of Moore County.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendment to the Unified Development Ordinance, as proposed.

Eddie Nobles, Chair
Moore County Planning Board

Date